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ACTS

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

NOVEMBER SESSION, 1850.

VOLUME II.

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L A W S O F K E N T U C K Y .

PASSED AT NOVEMBER SESSION, 1850.

JOHN L. HELM, GOVERNOR; BEN. EDWARDS GREY, SPEAKER OF THE SENATE, *pro tem.*; GEO. W. JOHNSTON, SPEAKER OF THE HOUSE OF REPRESENTATIVES; JOHN W. FINNELL, SECRETARY OF STATE.

LOCAL AND PRIVATE LAWS.

CHAPTER 2.

AN ACT to amend the charter of the Savings Bank of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of the Savings Bank of Covington shall be and is hereby changed to the "Kentucky Trust Company Bank," and by that name shall continue to be a body corporate and politic, retaining all the powers, rights, and privileges contained in the charter of said institution, and subject to all the conditions and limitations therein declared.

GEO. W. JOHNSTON,

Speaker of the House of Representatives.

BEN. EDWARDS GREY,

Speaker of the Senate, pro tem.

Approved November 18, 1850.

JOHN L. HELM.

By the Governor,

JOHN W. FINNELL, *Secretary of State.*

CHAPTER 3.

AN ACT for the benefit of the Methodist Episcopal Church in Woodford county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Woodford county court, or a majority of the justices thereof, is hereby authorized and empowered to convey, by deed, to the Methodist Episcopal Church, south, according to their laws and discipline, so much of the public square in the town of Versailles as is embraced in the following boundary, viz: beginning seventy feet north from the north east corner of the jail, thence

Portion of public square in Versailles to be conveyed to said church.

1850.

west seventy feet, thence north forty feet, thence east seventy feet, thence south forty feet to the beginning; and an attested copy of the order of said court directing the deed to be executed, shall be attached to the deed and recorded therewith; and the said deed, signed and acknowledged by a majority of all the members of the court, shall be good and effectual to convey the title to said lot or parcel of land to said church.

Copy of recorded deed evidence.

§ 2. That a copy of the deed and order of said court, as recorded, shall be evidence in any court in this commonwealth.

Trustees of the church may sell and convey the same.

§ 3. That the trustees of said church shall have power, and they are hereby authorized to sell and convey the house now used as a church in said town, and the lot attached to the same, or any part thereof; and the trustees, or any part of them, of the church called Bethlehem, in Woodford county, shall have power to sell and convey the house and lot belonging to said church.

Approved November 18, 1850.

CHAPTER 4.

AN ACT to amend the charter of the Springfield, Perryville, and Danville Turnpike Road Company.

Whereas, it is represented that the Washington county court, at their May term, 1850, passed an order to subscribe stock in various roads in Washington county; and whereas, private stock was taken in the Springfield, Perryville, and Danville turnpike road company to the extent of thirteen thousand dollars; and whereas, the charter of said company requires fifteen thousand dollars to organize; and whereas, said company, on the basis of the private and county stock, making fifteen thousand five hundred dollars, did, in July last, organize by the election of a president and managers, and let out eight miles of said road; and whereas, at the October term of the county court of said county, the court refused to levy a tax for their stock in said road. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the organization under said charter, on the basis of the private stock, be and the same is hereby legalized.

§ 2. *Be it further enacted*, That said organization shall be perfect and legal with twelve thousand dollars of private stock, and that all the acts of the board, not inconsistent with this act, be confirmed: *Provided*, that the private stockholders give their consent to this amendment of said charter.

Approved November 18, 1850.

LAWS OF KENTUCKY.

8

CHAPTER 5.

1850.

AN ACT to change the State road from Paducah to Grey's ferry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Marshall county court be vested with power and authority to change that part of the state road leading from Paducah to Grey's ferry, on the Tennessee river, on the lands of John Brian and William J. Troutt: *Provided,* said court shall be of opinion, after causing themselves to be fully informed in the premises, according to the requisitions of the general law upon the subject of altering roads, that no inconvenience will arise to the public or individuals if the proposed change be made.

Approved November 18, 1850.

CHAPTER 7.

AN ACT to repeal the 5th section of an act to amend the charter of the Jefferson and Brownsboro' Turnpike Road Company.

Whereas, by an act of the general assembly, approved March 6, 1850, to amend the charter of the Jefferson and Brownsboro' turnpike road company, the fifth section of said act gives power to the justices of the Spencer county court to levy and assess, from year to year, a tax on the taxable property within said county, not in any one year to exceed ten cents on the one hundred dollars worth of property, a majority of all the justices concurring. Now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fifth section of said act be and the same is hereby repealed.

Approved November 18, 1850.

CHAPTER 8.

AN ACT to authorize the Bourbon County Court to subscribe for stock in the Newtown and Leesburg Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Bourbon county court is hereby authorized and empowered to order its clerk to subscribe for as many shares of stock in the Newtown and Leesburg turnpike road company as it shall deem advisable; which subscription, when made, shall be binding on said county, and to pay which it is hereby authorized and empowered to assess a tax upon all the property and estate subject to the payment of state revenue within its limits; the tax thus levied not to exceed the rate of three cents on the one hundred dollars worth of property for any one year; and the same, when collected, shall be paid to the treasurer of said county, who shall pay it in discharge of the subscription of stock, as aforesaid, in such proportions, and at such

Bourbon county court may subscribe stock.

May assess a tax on the property in said county to discharge said subscription.

LAWS OF KENTUCKY.

1850.

Dividends to
go in aid of the
county levy.

How said tax
to be collected.

times, as shall be called for by the president and directors of said company. The dividends arising from said stock shall, from time to time, whenever other dividends are declared, be paid over to said county court in aid of the county levy.

§ 2. That said tax shall be collected by the same collecting officer who shall collect the state revenue, who shall account for and pay over the same, according to the first section of this act, under the same rules and regulations that he collects and accounts for the state revenue.

Approved November 13, 1850.

CHAPTER 9.

AN ACT to amend the charter of the Versailles and McCoun's Ferry Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Versailles and McCoun's ferry turnpike road company be so amended as to authorize said company to erect and establish a toll gate within five hundred yards of the town limits of Versailles, and to collect tolls at the same.

Approved November 13, 1850.

CHAPTER 11.

AN ACT for the benefit of William D. Mitchell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William D. Mitchell, clerk of the Oldham circuit and county court, to list his uncollected fee bills for the years 1844, 1845, 1846, 1847, and 1848 with the sheriff or any constable of Oldham county for collection, and that they shall be collected in the same manner as though they had been listed with the proper officer within the period prescribed by law: *Provided,* that said Mitchell shall be subject to all the fines and forfeitures now imposed by law for illegally issuing and listing fee bills.

Approved November 18, 1850.

CHAPTER 12.

AN ACT to incorporate the Christian Church, in the town of Paducah.

Whereas, it is represented to the present general assembly, that the Paducah christian church has heretofore subscribed a large amount of money for the purpose of building a church in said town, and has erected a building for the purpose of public worship by said church. Therefore,

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§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel H. Harvey, William Boone, and John Milliken, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the trustees of the Paducah christian church; and by that name to have perpetual succession, with all the powers incident to corporations, for the purpose of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, so far as may be necessary to protect and preserve the rights, titles, privileges and immunities of said church which now do, may, or shall hereafter belong to the same; also, to buy any lot or lots, and receive conveyances therefor, or for any other real estate which may have been heretofore purchased by the trustees of said church, or by other persons for the use of the same, or which may be hereafter given or devised to them for the use of said church; all of which property shall pass to them and their successors in office forever, pursuant to the desire or express limitation of the donor or grantor.

§ 2. That the said trustees, hereby appointed, shall continue in office so long as they shall continue to be members of said church, unless they shall sooner resign or refuse to act; and whenever vacancies may occur, it shall and may be lawful for the same to be filled, pursuant to said church discipline and the rules and regulations of said trustees.

§ 3. That a majority of said trustees shall constitute a quorum to do business, and, as such, it shall be their duty, and they are hereby authorized and empowered to keep a fair record of all their proceedings, and to appoint all such officers as they may see proper and fit, in pursuance of their discipline, and to pass all such by-laws and regulations relative to the government and control of said building and church as they may think proper, not inconsistent with the constitution of the United States, of this state, and the laws of the same.

Approved November 18, 1850.

CHAPTER 13.

AN ACT for the benefit of the Mechanics of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act, entitled, an act for the benefit of the mechanics of the town of Paducah, approved January 8, 1838, be and the same are hereby extended to the county of McCracken, and the citizens thereof.

Approved November 18, 1850.

1850.

Trustees created
a body politic.

Corporate powers.

May hold real
estate.

Terms of office of trustees,
and how vacancies to be filled.

Trustees to keep
a record, &c.

LAWS OF KENTUCKY.

1850.

CHAPTER 14.

AN ACT for the benefit of Thornton Triplett.

May reside
without the limits
of Lagrange.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Thornton Triplett, a constable for the Lagrange district, in the county of Oldham, to have his residence outside of the limits of the town of Lagrange.

His official
acts legalized.

§ 2. That the acts of said Triplett, as constable as aforesaid, since the October term for the year 1850, of the Oldham county court, are hereby legalized and declared to be as valid as though he had resided within the limits of said town since the period of his election.

Approved November 20, 1850.

CHAPTER 15.

AN ACT for the benefit of David Click, of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the mill dam erected by David Click, on the right hand fork of Beaver creek, in Floyd county, to remain as now located, four feet high, any law declaring said creek navigable above that place to the contrary notwithstanding.

Approved November 21, 1850.

CHAPTER 16.

AN ACT to amend the charter of the Versailles and Nicholasville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Versailles and Nicholasville turnpike road company be so amended as to authorize said company to make all publications, notices, and calls in writing, instead of a newspaper.

Approved November 21, 1850.

CHAPTER 17.

AN ACT to incorporate Crittenden Lodge, No. 150.

Members of
Crittenden
Lodge No. 150,
incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the master, wardens, and brethren of Crittenden lodge, No. 150, of free and accepted masons, at Crittenden, Grant county, Kentucky, be and they are hereby created a body politic and corporate, with perpetual succession, under the name and style of Crittenden lodge, No. 150, and by that name may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity in this commonwealth, and in its

Corporate
powers.

corporate capacity may make, have and use a common seal, and alter, break or renew the same at pleasure.

§ 2. That the said corporation shall have power to purchase and hold any real estate, not exceeding in value the sum of five thousand dollars at any one time, in the county of Grant, and to sell and convey the same at pleasure; to make all necessary by-laws for the government of said corporation, not inconsistent with the constitution and laws of the United States, or of this commonwealth, and shall have all the powers properly belonging to incorporated bodies; and service of process upon the master of said lodge shall be sufficient for all legal purposes.

Approved November 21, 1850.

1850.

May hold real estate.

How service of process to be made.

CHAPTER 19.

AN ACT for the benefit of Elijah H. Looman, of Fleming county.

Whereas, by an act, entitled, an act for the benefit of Burriss A. Looman and W. G. Andrews Looman, of Fleming county, approved March 1, 1847, the Fleming circuit court, upon application to it, was required to hold an inquest on the said Burriss A., and W. G. Andrews Looman, lunatics, children of Elijah Looman, of Fleming county, according to the laws in force on that subject; and whereas, it was further enacted, that if they should be found by said inquest lunatics, and that neither they, nor either of them, nor their father, had sufficient estate to support them, or either of them; and also, upon the filing of a certified copy of the order and proceedings of said court on that subject in his office, it should be the duty of the second auditor to issue his warrant on the treasurer for the sum of forty dollars for each per annum; and whereas, it is represented to this general assembly, that the said Burriss A. Looman died on the 10th day of July, 1850, and that his committee has not received the allowance granted by said act from the 10th day of October, 1849, until his death, and that his said committee, Elijah H. Looman, kept and maintained him during that time. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful, and it is hereby made the duty of the circuit court for Fleming county, at any of its terms to be holden in the year 1851, upon application made to it by said Elijah H. Looman, to cause an inquest to be held by a jury, and to hear proof whether the said Burriss A. Looman is dead; at what time he died; whether, at the time of his death and from the 10th day of October preceeding, he was a lunatic, and had not sufficient estate for his support, nor could not by his labor support himself; and whether his father had sufficient estate to support him; and if it shall appear he was during said time a lunatic, un-

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1850.

able to support himself, and had not estate to do so, nor had his father for that purpose, then it shall be the duty of the auditor of public accounts to draw his warrant on the treasurer, in favor of said Elijah H. Looman, for the maintenance of said lunatic from the 10th day of October, 1849, until the 10th day of July, 1850, at the rate of forty dollars per annum: *Provided*, that if it shall appear that any allowance has been made from the treasury for the support and maintenance of said Burris A. Looman from the said 10th day of October, 1849, until the 10th day of July, 1850, then no allowance shall be made and paid under this act.

Approved November 22, 1850.

CHAPTER 21.

AN ACT to change the law concerning a road in Perry and Clay counties.

Whereas, by a petition from the citizens of Perry and Clay counties, living on the Middle Fork of Kentucky river, it is desired that a road from the mouth of Cutshin creek to George Chapel's be established and kept in repair. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the county court of Clay county shall have exclusive jurisdiction over the road now, or which may hereafter be established, leading from the mouth of Cutshin creek, on the Middle Fork of Kentucky river, and up said fork to George Chapel's: *Provided*, that no citizen of Perry county, living more than one half mile from said Middle Fork, above the beginning of said road, shall be compelled to work thereon.

Approved November 22, 1850.

CHAPTER 22.

AN ACT for the benefit of John Martin, of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John Martin, of Floyd county, to erect a mill dam across the right hand fork of Beaver creek, in said county: *Provided*, said dam be not over seven feet in height, notwithstanding an act of the general assembly declaring said stream navigable.

Approved November 22, 1850.

CHAPTER 23.

AN ACT to repeal an act to prevent unlawful fishing in parts of Licking river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to prevent unlaw-

ful fishing in parts of the South Fork of Licking river, in Harrison county, approved March 7, 1850, be and the same is hereby repealed.

1850.

Approved November 22, 1850.

CHAPTER 25.

AN ACT to incorporate Pulaski Lodge, No. 111.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Pulaski Lodge, No. 111, of free and accepted masons, of Somerset, be and they are hereby created a body politic and corporate, by the name and style of Pulaski Lodge, No. 111, of Somerset, with perpetual succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, of answering and being answered, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge, to receive all necessary conveyances, to sell, dispose of, and convey all such real and personal estate as they may now have, or may hereafter have: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall not exceed at any time five thousand dollars.

Members of
Pulaski Lodge,
No. 111, incorpo-
rated.

Corporate
powers.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Andrew H. Campbell, William G. Mills, and William R. Carson, master and wardens of said lodge, and their successors in office, as trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to real or personal estate in any respect, either purchasing, building, renting, or for any other purpose, which shall be binding and obligatory upon said lodge, when made in pursuance of the rules, by-laws and instructions of said lodge; and service of process or notice on any of said trustees, shall be sufficient notice to said corporation.

Master and
Wardens to
manage its con-
cerns.

How process
may be served.

§ 3. That said lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection and management of said lodge and its property; and any money recovered for any trespass or injury done or committed on or to the property aforesaid, shall be for the use and benefit of said lodge, and shall be so applied.

Lodge may en-
act by-laws, &c.

§ 4. The object of this corporation is only to enable said lodge to hold and manage the property thereof, and this act and the power hereby granted shall not be employed for any other purpose; and the general assembly hereby reserves to itself the right to change, alter, or amend the same at pleasure.

Objects of this
act.

Power reserved.

Approved November 22, 1850.

1850.

CHAPTER 26.

AN ACT to incorporate the Mitchellsville and Dry Creek Plank Road Company.

- Name and style.** § 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby created, under the name and style of the Mitchellsville and Dry creek plank road company, for the purpose of constructing an artificial road from a point on the Petersburg and Burlington turnpike, near Joseph G. Bott's, by Mitchellsville to Dry creek, there to intersect the Dry creek and Covington turnpike.
- Commissioners.** § 2. That books for the subscription of stock in said company shall be opened within sixty days after the passage of this act, at Mitchellsville, under the direction of H. F. James, James Gaines, Joel Garnett, Ben. Mitchell, and G. J. Gaines; at Anderson's ferry, under the direction of Wilson Harper, Samuel Stockwell, Cornelius Quick, Noah Wilson, and Joseph A. Graves, or any one of them at each place, who are appointed commissioners. The commissioners at each place shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, viz: "We, whose names are hereunto subscribed, do promise to pay to the president, directors and company of the Mitchellsville and Dry creek plank road company, twenty-five dollars for every share of stock set opposite our names in said company, in such manner and proportion, and at such times, as may be required by the president and directors of said company." The said commissioners shall give public notice of the time and place of opening books for the subscription of stock, and that the same will continue open until the amount of the capital stock be subscribed.
- Obligation.**
- Capital stock.** § 3. The capital stock of said company shall be twenty thousand dollars, divided into shares of twenty-five dollars each.
- Organization and election of officers.** § 4. That so soon as two hundred shares shall be subscribed, the commissioners, or any five of them, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their office for one year, and until their successors shall be duly elected and qualified. The said president and directors shall, before they enter upon the duties of their offices, take an oath before some justice of the peace, that they will faithfully discharge the duties of president or director (as the case may be,) without favor or affection, according to the best of their judgment. After being qualified, they shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold his or their office for one year, and until others are appointed. The treasurer shall, before entering upon the duties of his office, give bond with two sufficient se-

curities, in the penalty of five thousand dollars, payable to the president and directors, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

§ 5. That the president and directors, when elected and qualified, as aforesaid, shall be a body corporate and politic, in fact and in law, by the name and style of the Mitchellsville and Dry creek plank road company, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple all such lands, tenements, hereditaments, and estate, real and personal, as may be deemed necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and defend and be defended, in courts of record, or any other place whatever, and to have a common seal, and to do all and every matter or thing which a body corporate or politic may lawfully do.

Privileges of
the corporation.

§ 6. That the president and directors, upon entering upon the duties of their offices, may call upon the stockholders for payment of any sum not exceeding ten dollars on each share subscribed, and may, if deemed necessary, call for five dollars on each share every thirty days, until the whole amount be paid, and, if it shall be found that the amount of subscribed capital is not sufficient to accomplish the object of this act, the president and directors may enlarge the same to an amount as they may deem necessary, and for that purpose open books for subscription in such manner as they may direct.

How stock to
be paid in.

§ 7. That no person shall be eligible to hold any office in this company who is not a stockholder at the time of his election, and if, after an election, any officer shall cease to hold stock, his office shall be considered vacant, and the remaining portion of the board shall, by appointment, fill such vacancy until the regular annual election. Every stockholder shall be allowed one vote for each share he may hold, and may vote in person or by proxy. A majority of the votes cast shall elect. The annual election for president and directors (after the first election, the terms of whose offices shall then expire,) shall be held on the first Monday in May, at such place as the president and directors may designate, at which time the president and directors shall lay before the stockholders all the statistics of the situation of said company, and the record of their proceedings for the preceding year.

Who eligible
to office.

Election for officers,
when and how conducted.

1850.

Certificate of
stock to be de-
livered.

§ 8. That the president and directors first chosen, as aforesaid, shall deliver a certificate, signed by the president and countersigned by the secretary, to each shareholder for each share by him or her subscribed and held, which certificate shall be transferable on the books of the company, in person or by attorney, but no share shall be transferred until all arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall be given the purchaser, who shall be entitled to all the privileges and benefits that would have accrued as belonged to the original owner.

Record of pro-
ceedings to be
kept.

§ 9. That the president may call meetings of the directors at such times and places as he may think proper. A majority of all the directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose, which shall be signed by the president and tested by the secretary, and, in case of his absence, the directors shall elect one of their own number *pro tem.*, and they may adjourn from time to time, as deemed necessary.

Power to take
releases and
right of way.

§ 10. That the president and directors shall have power and authority to take the consent, in writing, of any and all persons who may be so disposed, to the grant of way to said plank road, the use of rock and timber for building the same, without charge, which being once given shall be binding to all intents and purposes. They may agree with and appoint surveyors, engineers, superintendents, artists, and officers, as they may deem necessary to carry on the work; to fix their salaries; to prescribe the manner and proportion in which stockholders may make a payment on their respective shares; to draw orders on the treasurer for salaries or wages of persons employed, and for labor and materials furnished; and to do all such matters and things as, by this charter, and the by-laws of the corporation, they are or shall be required to do.

Notice of each
call on stock to
be given.

§ 11. That the president shall give public notice, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall refuse or neglect to pay his proportion of the stock for the space of thirty days after the time set for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent. per month for every delay of such payment; and if payment shall be delayed six months after the time set for payment, such delinquent shall forfeit such share or shares to the corporation, together with all that has been paid thereon. The president, by order of the directors, shall sell the said share or shares at public auction, having given ten days' notice thereof: *Provided*, the same will bring the balance due on said share or shares.

Proceedings in
case of delin-
quents.

§ 12. That the president and directors shall have the right, together with the surveyors, engineers, artists, and chain carriers, to enter in and upon the lands and enclosures, public roads and highways, through and over which said intended road may pass, and to examine and survey the ground for the purposes here intended, and to examine the quarries, beds of stone and gravel, and other materials necessary for the completion of said road, and they shall locate the road on the best route, according to their discretion; and they shall cause a plat of said survey to be made out and lodged with the treasurer of said company.

§ 13. That it shall be lawful for the president and directors, by and with their superintendent, engineers, artists, workmen, and laborers, with their tools and instruments, carts and wagons, and other carriages, and the beasts of draft and burden, to enter upon the lands contiguous and near to which said road may pass, as well as through such as it may be located, and to use such quarries and rocks, timber and other materials, as may be found necessary to complete or repair said road, to haul or convey the same from any place they may be found for the uses of the road: *Provided*, the owners or agents shall not agree with the president and directors as to the damages to which he or she may consider themselves entitled, then it shall be the duty of the president and directors to apply to the county court of Boone for a writ of *ad quod damnum* to assess the damages that may have been sustained, and the jury, in assessing damages, shall take into consideration the advantages to the party claiming damages by the establishment of the road.

§ 14. That said company may construct a portion of the road on the McAdams plan, if deemed prudent; they may adopt such a grade of elevation as they may think best, and may grade the same not less than twenty feet wide; the plank part of the road shall be not less than eight feet wide, and constructed of oak or some other durable material; the McAdamized portion shall be not less than ten feet wide. It shall be the privilege of each stockholder, through whose lands the road may pass, to work out the value of his stock at the estimated prices for the labor to be done, or he shall have the preference at the lowest bid, or pay such stock in lumber, on the same terms. As soon as two and one-half continuous miles may be completed, a toll gate may be erected and collect half toll thereon, and so on until the whole be completed, and may erect one more gate and collect toll at the rate of five miles travel thereon. But no toll shall be collected until two justices of the peace, who are disinterested, shall have first examined said road, and certify that the same is completed, agreeably to the requirements of this charter, which certificate shall be recorded in the clerk's office of the Boone county court.

1850.

Authorized to
make surveys.

Authorized to
use quarries,
dirt, &c.

Provided.

Grade and ele-
vation.

Toll gate may
be erected.

1850.

Rates of toll.

§ 15. That so soon as the gate or gates shall be erected, as aforesaid, it shall be lawful for the president and directors to appoint toll-gatherers to collect and receive from every person using the road the tolls hereinafter mentioned, and for that purpose to stop any person or persons riding, leading or driving any horse or mule, or driving cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of burthen or pleasure, from passing through said gate or gates until they shall have paid toll at the following rates, viz: for every twenty head of sheep, hogs, or other small stock, five cents; for every ten head of cattle, five cents; for every horse, mule, or four footed animal of a large kind, except cattle, five cents; for every two wheeled pleasure carriage, exclusive of the beast by which it may be drawn, ten cents; for every four wheeled pleasure carriage, exclusive as above, fifteen cents; for every cart, ten cents; and for every wagon or other carriage of burthen, drawn by two horses, fifteen cents; for every wagon drawn by four or more horses, twenty-five cents; which rates shall not be increased, but may be diminished by the president and directors.

Penalty for
avoiding the
payment of toll.

§ 16. That if any person, with intent to defraud the company, pass through any private gate or bars, or along or over any grounds or lands near to said road, so as purposefully to avoid paying toll, or shall practice any device to defraud the just payment of the toll, by entering or traveling on said road with any animal or burthen wagon, or other vehicle, and avoid the toll gate or gates by turning out in by-paths and private ways, so as to defraud said company thereby, such person or persons, so offending, shall, for every such offense, forfeit and pay to the company the sum of five dollars, recoverable before any justice of the peace in like manner as other debts of equal amount, in the name of the president and directors.

An account of
moneys, &c., to
be kept.

§ 17. The president and directors shall keep a correct account of all moneys which shall be received by them from the subscribers of stock; also, of all moneys expended by them in the prosecution of said work; and all costs, charges and expenses of the road shall be paid, and the sum total shall be entered on the books of the treasurer. The president and directors shall, at the end of every six months after the road shall have been completed and paid for, make a dividend of the clear profits, and pay the same to the stockholders. Printed bills of the rates of toll shall be posted at each toll gate on the road.

Dividend to be
made.

Penalty for tak-
ing excessive
toll.

§ 18. That if any toll gatherer shall receive from any person using the road, any greater rate of toll than authorized by this act, such toll gatherer shall forfeit and pay, for every such offense, five dollars, recoverable by any person suing for the same before any justice of the peace, as other debts of like amount. That no suit to recover the penal-

ties under the provisions of this act shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

§ 19. The president and directors shall take bond and security from the toll gatherers, and other persons employed by them, for the faithful performance of the duties to them respectively assigned, which bonds may be renewed when deemed necessary, and shall be payable to the president and directors.

§ 20. That it shall not be lawful for any person to leave any offensive thing on or near said road, such as dead horses or other animals, or to obstruct the road in any unnecessary way, so as to hinder the public from traveling thereon; and all wagons or other vehicles, when traveling or standing on said road, shall give sufficient room to be passed on the left hand by any person or vehicle meeting them; and for every offense against the provisions of this section, the person found guilty shall be fined five dollars and damages, if any sustained, by an action being brought the same as for debt, by any person before a justice of the peace.

§ 21. That it shall be lawful for the president and directors, for the better government of said company, to make by-laws, not inconsistent with the provisions of this act and the constitution and laws of this state.

Approved November 29, 1850.

1850.

Bond from toll gatherers to be taken.

Penalty for obstructing the road

May make by-laws.

CHAPTER 28.

AN ACT to amend the various acts in relation to Turnpike Roads in the counties of Washington and Marion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all sections of acts now in force in relation to turnpike roads in the counties of Washington and Marion, granting power to the county courts of said counties to levy a tax without the approbation of the people, expressed in the usual way through the polls, for the purpose of constructing said roads, be and the same are hereby repealed: *Provided, however,* that this act is not to be construed in such a manner as to interfere in any way with the action of the county court of either county, in so far as said court has already acted upon the subject by subscribing stock in said roads, nor so as to prevent said court in either county from levying the tax necessary to meet the obligations they have entered into by such subscription of stock.

Approved November 29, 1850.

Tax for roads repealed.

Proviso.

1850.

CHAPTER 29.

AN ACT to amend an act, entitled, an act to amend the act to establish a Female Academy in the town of Harrodsburg, approved Jan. 28, 1848.

Name changed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the corporate name of the Harrodsburg female academy be changed, and hereafter said institution shall be known by the name and style of the Harrodsburg female college.

Succession granted.

§ 2. That the trustees of said institution shall, under the name and style of the trustees of the Harrodsburg female college, succeed to all the rights and privileges granted by the former acts of assembly in relation to the trustees of the Harrodsburg female academy, and, by the corporate name of "the trustees of the Harrodsburg female college," shall have perpetual succession, and all the corporate rights usually conferred on incorporated bodies, and they are hereby vested with all the right, title and interest which, under said former acts, were acquired by said academy to any estate of any kind whatsoever, and, by their new corporate name, shall use, hold and enjoy the same for the purposes expressed in the acts to which this is an amendment, except so far as they may be changed or modified by this act.

Additional powers granted.

§ 3. That the trustees of the Harrodsburg female college, in addition to the powers and privileges granted in said acts above referred to, shall also have power to confer on those pupils whom they may deem worthy, all such literary honors and degrees as are usually conferred by our best colleges.

Approved November 29, 1850.

CHAPTER 31.

AN ACT to incorporate Boone Lodge, No. 1, Independent Order of Odd Fellows, Louisville.

Members of Boone lodge, No 1, incorporated.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That E. V. Bunn, E. Brewer, William White, S. D. Choat, John M. Stephens, Harrison McClearen, William H. Holmes, William Atkinson, W. L. Snow, John J. Felker, George Ainslie, and their associates, be and they are hereby created a body corporate, by the name and style of Boone Lodge, No. 1, of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this commonwealth; to make, have and use a common seal, and the same to break, alter or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those

Corporate powers.

May enact by-laws, &c.

now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, they be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act, approved February 16, 1838, nor in contravention of the constitution and laws of the United States, or of this state. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds. The right to alter, amend, or repeal this act, is hereby reserved to the general assembly.

1850.

May hold real estate.

Power reserved.

Approved November 30, 1850.

CHAPTER 32.

AN ACT for the benefit of William Slusher.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Slusher is hereby permitted and authorized to build a mill dam across the middle fork of Kentucky river, below his house at the mouth of Hurt's creek, not exceeding three feet in height: *Provided*, that, within one year from and after the passage of this act, the said William Slusher execute bond with good surety, in the Clay county court, payable to the commonwealth of Kentucky, in an amount to be fixed by said court, conditioned to save individuals from loss by reason of any damage they may sustain by reason of the erection of said mill dam.

Approved November 30, 1850.

CHAPTER 33.

AN ACT for the benefit of Samuel Haycraft.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Samuel Haycraft, clerk of the Hardin circuit and county courts, to list with the proper officers any and all fee bills he may have due and in arrear, at any time between the passage of this act and the first day of April, 1851, and may have the right of distress for the same, any law to the contrary notwithstanding.

Approved November 30, 1850.

1850.

CHAPTER 34.

AN ACT to authorize the Clerk of the Ohio County Court to transcribe and index certain records in his office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the clerk of the Ohio county court is hereby authorized to transcribe any of the records in his office into new books, to be provided by him for that purpose; and such transcribed records shall be held and regarded in all respects as though they had been originally recorded in said books; and said records shall be cross indexed. Said clerk is also authorized to make a general index to all deeds recorded, and to all deeds so transcribed in his office, in a new book to be by him procured for that purpose; and the county court of said county is hereby authorized and required to levy such sum or sums as may be necessary to pay said clerk for transcribing said records and making said indexes, and for such books as he may necessarily purchase for the purposes named in this act.

Approved November 30, 1850.

CHAPTER 35.

AN ACT to incorporate Cumberland Lodge, No. 149.

Members of
Cumberland
Lodge, No. 149,
incorporated.

Corporate
powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Cumberland Lodge, No. 149, of free and accepted masons, in the county of Cumberland, be and they are hereby created a body politic and corporate, by the name and style of Cumberland Lodge, No. 149, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances, to sell, convey and dispose of all such real and personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Master and
wardens to man-
age its concerns.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Robert C. Logan, Wakefield M. Samuels, and John Q. A. King, master and wardens of said lodge, and their successors in office, as trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate, in any respect, either in purchasing, building, renting, or for any other purpose, which shall be binding and obligatory upon said lodge, when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process on any of said trustees shall be sufficient notice to said corporation.

§ 3. That said lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection, management, and safe-keeping of the property of said lodge.

1850.
May enact by
laws, &c.

§ 4. The general assembly reserves the right to change, alter, or amend this act at pleasure.

Power reserved.

Approved November 30, 1850.

CHAPTER 36.

AN ACT for the benefit of the Trustees of School District No. 3, in Todd county.

Whereas, it is represented to the present general assembly, that a school was taught in school district No. 3, in Todd county, in the year 1849; but not within the time prescribed by law to enable the county commissioners to draw from the superintendent of public instruction the share belonging to said district, owing to the school house not having been finished in due time. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught in school district No. 3, in Todd county, in the year 1849, for a period of three months, although not within the current school year, be directed to issue his warrant on the second auditor, in favor of the school commissioners of Todd county, for the sum of money to which said district would have been entitled, if said school had been taught in strict compliance with law, and to be paid over to the trustees of said school district No. 3, in Todd county, for the use of said school.

Approved November 30, 1850.

CHAPTER 37.

AN ACT for the relief of Francis Hillary.

Whereas, it is represented to the present general assembly, that Patrick Hillary died in the town of Paducah intestate and without issue, leaving no heirs in the United States capable of inheriting his estate; that previous to his death he induced his brother, Francis Hillary, and his family, to remove from Ireland to this state, under a promise to provide a place of residence for them; but said Patrick died suddenly with the cholera, without making any provision for his brother and family, whereby the estate of said Patrick became vested in this commonwealth. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title, and interest which the

1850.

said commonwealth has in or to any estate, real, personal, and mixed, of Patrick Hillary, deceased, be and the same is hereby released to and vested in his brother, Francis Hillary.

Approved November 30, 1850.

CHAPTER 38.

AN ACT to incorporate the Maxwell Spring Company, at Lexington.

Preamble.

Whereas, divers persons, members of the Kentucky agricultural and mechanical association, and partly in aid of the purposes of said association, have purchased the lot of ground situate within the limits of the city of Lexington, and known as the Maxwell spring lot, containing nearly twenty-five acres, and have had the same conveyed to Benjamin Gratz, Esq., president of said association, in trust for the purposes in said deed of conveyance specified, as will appear more fully by reference to said deed, from Hallet M. Winslow and Sarah Winslow to Benjamin Gratz, bearing date the third day of June, 1850, and of record in the Fayette county court clerk's office; and whereas, the said Benjamin Gratz has issued to the various persons who have paid his or her subscription towards the purchase of said lot of ground, certificates of stock therein, to the amount of his or her said payment, each being rated at thirty dollars; and whereas, it is believed and feared that great confusion may result from the death of any one of the parties interested therein, unless the said company shall be incorporated. Therefore,

Body corporate.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said persons, to whom certificates of stock have issued, as aforesaid, shall be and they are hereby created a body politic and corporate, by the name and style of the Maxwell spring company; and, by that name, may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity, and be capable of holding the said lot of ground, and of improving the same by building thereon or otherwise, and may hold personal estate, if necessary to the purposes of said company.

Corporate powers.

§ 2. The prudential, fiscal, and other concerns of said company, together with all of its estate of every kind, shall be under the control and management of a committee, or directory, of three persons, as provided for in said deed; the said stockholders, however, may, at any general meeting thereof, by resolution, increase the number of said committee.

Time of meeting, and directors to be elected

§ 3. There shall be a general meeting of said stockholders on the first Saturday in May next, and annually thereafter, unless otherwise ordered by the stockholders, at such place as may be fixed by the Kentucky agricultural and

1850.

mechanical association, for the general meeting of its members, at which time and place the said stockholders shall elect a committee or directors, as aforesaid, who shall continue in office for twelve months, and until their successors are duly elected. Vacancies occurring during the year may be filled by those remaining in office, unless two such vacancies exist at one and the same time, in which event the remaining member of the committee shall, by public advertisement of three weeks, published in one or more of the newspapers printed in the city of Lexington, call a general meeting of the stockholders, for the purpose of filling such vacancies: *Provided*, said Benjamin Gratz may, before the first Saturday in May next, by like previous advertisement, call a general meeting of said stockholders, for the purpose of electing the committee, or directors, aforesaid, who shall continue in office until the first Saturday in May next, and until their successors are elected. At any of such elections, each share of thirty dollars paid in shall be entitled to one vote, and the *bona fide* holder thereof may vote the same, either in person or by proxy.

Election may be had previously.

§ 4. The certificates of stock already issued, as aforesaid, or which may hereafter be issued by said company, shall be and are hereby declared personal property, and shall be so held and treated in every court in this commonwealth, and the legal title thereto may pass by the indorsement of the person to whom any such certificate has been, or may hereafter be, issued, and by a registry of such transfer in a transfer book, to be kept by the company.

Certificates of stock to be personal property.

§ 5. The title in and to said lot of ground shall, upon the election of said committee, or directory, pass to said Maxwell spring company, and shall be held by said company, or may be sold and conveyed, in whole or in part, in fee, or for a term of years, at the discretion of said committee, or directory. The funds arising from any such disposition of said property shall, after the payment of all necessary expenses and liabilities of said company, be ratably distributed among and to the then stockholders therein.

Title to lots to pass to directors

§ 6. The said committee, or directors, shall, when elected, select a president out of its own body; they shall also appoint a secretary, who shall keep a faithful and true record of the proceedings of said company.

President and secretary to be elected.

§ 7. Each and every subscriber to the stock aforesaid, who may not already have paid his or her subscription, is hereby authorized to pay the same to the said Benjamin Gratz, provided the same be paid to him by the first day of January, 1851; and upon his or her failure to make such payment on or before that day, then, in such event, his or her said subscription shall be and is hereby declared void.

To whom subscriptions of stock to be paid

§ 8. That said Maxwell spring company shall, in its corporate capacity, with all the estate belonging thereto, be

Company to be liable for debts.

1850.

liable for any debt or debts now existing against it, or heretofore contracted by its authority, as fully as it would be if the same had been contracted since the passage of this act.

Other rules may
be adopted.

§ 9. That said committee, or directors, may, at any time hereafter, adopt any other rule or regulation than as above provided for, as to the mode of transfer of stock, and may adopt any by-laws not inconsistent with the constitution and laws of this commonwealth.

Shares may be
increased.

§ 10. The shares in said company may be increased so as not to exceed two hundred and fifty dollars in all: *Provided*, that such increase shall be voted for by three-fourths of the then stockholders, at their general meeting.

Approved November 30, 1850.

CHAPTER 40.

AN ACT for the benefit of the Funk Seminary and Masonic University, at Lagrange.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the establishment, by the Funk seminary and masonic university at Lagrange, of the medical department thereof, at Louisville, under the name and style of the Kentucky school of medicine, be and the same is hereby approved and confirmed as legal and valid, and the trustees of said university, or a committee thereof, may confer appropriate degrees, within the city of Louisville, upon the pupils of said medical school, any law or statute heretofore passed to the contrary notwithstanding.

Approved December 7, 1850.

CHAPTER 41.

AN ACT for the benefit of William Williams, Clerk of Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Williams, clerk of Owsley county, be and he is hereby allowed the further time of twelve months to collect his fee bills, any law to the contrary notwithstanding.

Approved December 7, 1850.

CHAPTER 42.

AN ACT to incorporate the Hawesville Cemetery Company.

Corporators'
names.

Name and style,
and corporate
powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That D. S. Thomas, Robert H. Cox, James E. Stone, N. C. Davison, Timothy Holmes, Samuel McAdams, and David Adams, be and they are hereby created a body politic and corporate in law, under the

1850.

name and style of the Hawesville cemetery company; and, by that name, shall be capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such things as are incident to a corporation for limited purposes. Said company shall have power to purchase any quantity of land in the county of Hancock, not to exceed ten acres, and receive a conveyance for the same, with such covenants as they may think proper. The land and appurtenances, when conveyed, to be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used in a manner inconsistent with this act, or for any other purpose than for burial lots, and as hereinafter prescribed. Said grounds, fixtures, shrubbery, and every thing growing therein, shall be forever exempt from execution, and from levy or sale on account of judgment or decree for any debt or equity whatever. No road, passway or street shall be opened through said grounds, unless by consent of the company. The company may receive, by devise, bequest, gift, or donation, any legacies, gifts or donations to them, to be appropriated solely and exclusively to the ornament or improvement of said cemetery and grounds, and may fund, loan out, or vest in any state stock, any spare funds they may have, but shall never exercise any banking powers.

§ 2. The above named persons shall be the first board of trustees, (provided they shall become shareholders to the amount of not less than five dollars, each, as hereinafter prescribed;) and they shall, at their earliest convenience, assemble, or a majority of them, and elect one of their own number chairman. The first board of trustees shall remain in office one year, and until their successors are elected, and shall have power to fill any vacancies which may occur in their body by death, resignation, removal from the county, or otherwise; and they and their successors in office shall exercise all the corporate powers of the corporation. The seven trustees shall, afterwards, be elected by a majority of the shareholders who vote, once in five years, due notice of the time and place of voting being first given, by notices posted up at least one month before the election, at the court house door and three or more other public places in Hawesville and Hancock county, or by notice published one month in any weekly paper published in said town; and the election shall be conducted by judges appointed by the board then in office, or, upon failure of the board to appoint judges, any shareholder entitled to vote may conduct the election, and return the polls to the board. The trustees, thus elected, shall remain in office five years, and until their successors are elected and qualified, with power to fill vacancies when they occur from any cause. A majority of the board shall constitute a quorum for the transac-

Powers and
duties of the
trustees.

Notice of elec-
tion of trustees
to be given.

1850.

Oath of trustees.

Further duties
and powers.Trustees of
Hawesville may
purchase one
acre and levy
tax to pay for
the same.Proceeds of
sales of lots how
applied.

tion of business. Each person, association, or body corporate, holding burial lots to the amount of five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of trustees; but no person, association, or corporation shall ever cast more than ten votes. The trustees shall keep a record of their proceedings, and of all sales, transfers, and disbursements, and shall always preserve an accurate map of the grounds and lots, and have the same recorded in the clerk's office of the Hancock county court. Each trustee shall, before he enters on the duties of his office, make oath before some officer competent to administer the same, "that he will faithfully and impartially discharge the duties of his office according to the best of his ability, and will not be influenced in the conduct thereof by sectarian, partisan, or political partialities."

§ 3. As soon as the ground is purchased, and the trustees have qualified, they shall have power to lay out and ornament the same, and, from time to time, alter, repair and add to the same, as may be deemed necessary for the use of the cemetery or grounds, and, for this purpose, and for the purpose of defraying the incidental expenses of the same, shall apply the funds belonging to the corporation. They shall have power to lay off, sell, and convey burial lots, either at public or private sale; to make, from time to time, by-laws and regulations for the management of the cemetery grounds, graves, and enclosures, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred, and make such other by-laws as may be necessary. They shall have power to appoint, from time to time, such superintendent or sexton, and other officers as they may deem necessary, and prescribe their duties, fix their pay, and take such bond as may be required of them.

§ 4. In order that a part of said cemetery may be accessible to the public, the trustees of the town of Hawesville are hereby empowered to purchase one acre of said grounds, at and for a sum not to exceed thirty dollars, and may levy a tax upon the taxable property and tithes in said town to raise the amount; and the county court is authorized to make a like appropriation for one acre, to be included in the county levy, or to be paid out of any unappropriated funds under their control; and the trustees of the town of Hawesville and the said county court shall be considered shareholders to the amount so appropriated, and may, each, designate one of their body to cast their votes in elections, and shall have all the privileges of other shareholders.

§ 5. The proceeds of sales of lots, and the amount paid by the town of Hawesville and county court, and all moneys coming to the corporation from any source, shall first be applied to the payment of the purchase money, and

shall afterwards, in all time to come, be applied to the improvement and ornament of the grounds, and to pay incidental expenses.

§ 6. When a burial lot is purchased, the trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title shall be transferable according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner, and shall descend or pass by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Certificate to be given to purchasers of lots.

§ 7. If any person shall, maliciously and forcibly, and without lawful authority, violate any of the graves of the dead, or willfully deface any of the tomb stones, monuments, or enclosures, or willfully injure any of the shrubbery, fixtures, or buildings, or in any manner damage the grounds of the corporation, such person or persons so offending, besides being liable to indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass, and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done, and any balance to the general uses of the company.

Penalty for violating graves.

Approved December 7, 1850.

CHAPTER 43.

AN ACT to incorporate the Flemingsburg and Upper Fox Springs Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed to construct a turnpike road from Flemingsburg to the Upper Fox springs, in Fleming county.

Company formed.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. Books for the subscription of stock in said company shall be opened on the first Monday in February, 1851, at Flemingsburg, under the direction of L. W. Andrews, J. C. Wilson, John A. Cavan, Hugh Barr, Jonathan Elston, Simon Carpenter, and L. M. Cox, or a majority of them; and at Upper Fox springs, on the same day, under the direction of Edwin Singleton, Andrew Fountain, Theophilus Davis, and Daniel Morgan, or a majority of them, and shall be kept open to receive subscriptions for stock to said road until one hundred and twenty shares are subscribed. Each shareholder shall sign a covenant, as follows: "We, whose names are hereto signed, bind ourselves, severally, to pay to the president, directors and company of the Flemingsburg and Upper Fox springs turn-

Books to be opened for the subscription of stock.

Commissioners.

Obligation of subscribers.

1850.

Commissioners
to give notice
of time & place
of opening books

When meeting
of stockholders
to be held for e-
lection of off-
icers.

Who entitled
to vote.

Notice to be
given of time &
place of election
of officers.

Organisation
of the company.

Powers and
privileges.

Width & grade
of the road.

pike road company, fifty dollars for each share opposite our names, in such manner and proportion, and at such times as the said company shall require, and according to the act incorporating said company." Said commissioners shall give written or printed public notice of the time and place for opening the books, at three or more places along or near to the line of said road, and they shall permit all persons of lawful age, bodies corporate and politic, to subscribe for stock in said road.

§ 4. When one hundred and twenty shares of said stock shall be subscribed, the commissioners aforesaid, or a majority of them, shall hold an election for officers of said company, which shall be president, treasurer, and five directors, who shall serve until the first Monday of January then next ensuing, and until their successors are elected and qualified. Thereafter, annually on the first Monday in January of every year, there shall be an election for officers, who shall hold their offices for one year, and until their successors are elected and qualified. In every election, each stockholder shall be entitled to one vote for every share he may hold, which may be given in person or by proxy. Before every election, the time and place for the same shall be made known by written or printed advertisement at least three weeks before the day thereof, at three places along the line of said road, and, if a newspaper be printed in the county, the president may cause notice to be given by advertisement in said paper, instead of the notices aforesaid. The board shall direct, after the first election, the place for holding elections, but the place of holding the first election shall be fixed by the commissioners.

§ 5. When the company shall be organized, as aforesaid, they shall be a body corporate and politic, by the name and style of the Flemingsburg and Upper Fox springs turnpike road company, and, by that name, shall have perpetual succession, and all the rights, privileges and franchises incident to a corporation, and shall be subject to all the disabilities of corporations. They may, at any time, receive new subscriptions of stock, and do any act that may be necessary to carry out the objects of this charter, make all by-laws, rules, and regulations necessary for the objects of this charter, not inconsistent with the constitution and laws of this state; and do all and every thing which a corporation may do.

§ 6. The width of said road shall not be more than fifty feet, nor less than twelve feet. Said company, in the discretion of the board of directors, may only grade said road, or may cover part or the whole with stone, gravel or plank, and may erect one gate for every five miles of said road; but said gates shall be at least five miles apart, and no gate shall be erected within two miles of Flemingsburg.

§ 7. The rates of toll on said road shall at no time exceed the rates of toll established by law on turnpikes in which the state has an interest, but may be otherwise fixed as the board may direct.

1850.

Rate of tolls.

§ 8. Said company shall have power to have lands and materials condemned for the use of said road, in the manner pointed out by law for the same objects under the general laws authorizing the establishment of turnpike roads.

Power to have lands, &c., condemned.

§ 9. All real estate taken in satisfaction of any debt or demand due said company, whether taken absolutely or as security therefor, or purchased or taken in satisfaction of any judgment or decree in favor of said company, shall be absolutely disposed of by said company, whether the interest or title therein be legal or equitable, within five years from the time the company shall have obtained the same, otherwise it shall be forfeited to the commonwealth without *office found*. Said company shall not purchase or hold any real estate, except for the objects of the establishment of the road, or obtained as directed and permitted in this section, and all real estate, so purchased or held, shall be forfeited for the use of the commonwealth without *office found*.

Power further defined.

§ 10. Said company may elect and employ other officers and agents than such as are herein named, in such manner as the directors may order by a by-law of the board.

To employ agents & officers.

§ 11. Said company shall have a common seal, and may change or alter the same at pleasure, and shall have power to make contracts in pursuance of the objects of the establishment hereof, either under their corporate seal or by vote, order, or by-law of the board, or by any agent or officer appointed by this act.

Have a common seal, &c.

§ 12. Said road shall be commenced within five years from the passage of this act; otherwise, all rights obtained under the same, as well as the act itself, shall be null and void.

Road to be commenced in five years.

§ 13. Said company may receive any gift of money or other property for the establishment of said road, or subscriptions, other than stock, of money or property for said purpose, which may and shall be collected and disposed of for said purpose in the manner directed by the commissioners or directors of said road; but all real estate, so received, shall be subject to the conditions prescribed in section nine hereof.

May receive any gift for the construction of the road.

Approved December 7, 1850.

CHAPTER 44.

AN ACT for the benefit of Henry J. Mead.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be directed to issue his warrant on the treasurer, in favor of Henry J. Mead,

1850.

for the sum of two hundred and eighty dollars, the amount of his bill for enclosing the military monument.

Approved December 7, 1850.

CHAPTER 45.

AN ACT to incorporate a company to construct a Bridge across the Ohio River, at Louisville.

Name and style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Levin L. Shreve, James Guthrie, John I. Jacob, David L. Beatty, William E. Glover, Samuel Getty, Samuel Casseday, Wm. H. Pope, Virgil McKnight, Benjamin J. Adams, Thomas Joyce, Alfred Shotwell, Nathaniel P. Field, Samuel Patterson, and Jacob Beckwith, with their associates, be and are hereby created a body politic and corporate, by the name of the "Louisville and Indiana bridge company," for the purpose of erecting and constructing a bridge across the Ohio river at the falls thereof; and they and their associates and successors shall continue and have perpetual succession, and, by that name and style, are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this commonwealth and elsewhere, in all courts of law or equity; to make, have and use a common seal, and the same to break, alter or amend at pleasure; they also shall have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, or the sites for the piers, abutments, toll-houses, and suitable avenues leading to the same; also, to borrow money, not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also, the power to ordain and establish such by-laws, ordinances, and regulations, as shall be necessary for the well-being and government of said corporation, not contrary to the laws of this commonwealth, the state of Indiana, or of the United States.

Powers of the corporation.

Capital stock.

§ 2. That the capital stock of said company shall consist of six hundred thousand dollars, divided into six thousand shares of one hundred dollars each.

Notice of time & place of opening books to be given.

§ 3. That within sixty days after the passage of this act, and the confirmation of the same by the state of Indiana, the persons before named, or a majority of them, shall cause a public advertisement to be made of the time and place of opening books of subscription of the stock of said company; which books shall be kept open, under the direction of said persons, or a majority of them, not less than ten nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares than six thousand have been taken, then, and in that case, the persons before named, or a majority of them,

1850.

shall proceed to reduce the number of shares, in an equitable and just proportion, among the subscribers, not reducing any one below twenty shares; and they shall have the right to demand and to receive from every person subscribing for the stock of this company, a sum not exceeding ten nor less than one dollar on each share subscribed, at the time of making the subscription; and no subscription shall be deemed valid unless such payment is made, if required by the condition of the subscription.

§ 4. That when two thousand shares have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the shareholders of said company at Louisville, giving at least fifteen days previous notice of the time and the place of such meeting; and the shareholders shall, thereupon, proceed to the election of a president and six directors, who shall be shareholders; and such of the before named persons who shall not then be shareholders, shall cease to be members of said corporation; and the said shareholders shall also proceed to fix what compensation the said president and directors shall be entitled to receive, if any be allowed; also, to ordain and adopt any such by-laws for the permanent organization of said corporation, as they may deem needful; at which meeting, each shareholder shall be entitled to one vote for each share to the number of twenty, and one vote for every ten shares over twenty and not exceeding one hundred, and one vote for every twenty shares above one hundred; and at all subsequent elections or general meetings of the stockholders no shares shall be voted on that have not stood in the name of the person claiming to vote, at least three months previous to the day of election or meeting; and that the shares in said company may be voted on by proxies, duly recorded, conforming to the foregoing regulations.

Meeting of
shareholders to
be advertised.

§ 5. That the president and directors first chosen shall hold their offices until the first Thursday in January ensuing such election, and until others shall be chosen in their places; and on the first Thursday in January of each year, the stockholders in said company shall meet at their office in Louisville, or at some place to be designated by the president and directors, and then proceed to the election of a president and six directors, who shall be shareholders, and residents of the state of Kentucky or Indiana, and shall hold their offices for one year, or until their successors shall be elected; public notice of such meetings and elections shall be given by the clerk or secretary of the company, in some public newspaper printed in Louisville, at least fifteen days previous thereto. At the annual meetings, a statement of the affairs of the company shall be made out by the president and directors, and presented to said meeting, and such dividends of the profits declared as may be deemed advisable.

The term of office of president and directors.

1850.

Who to control
said corporation

§ 6. That the concerns of said corporation shall be under the control, superintendence, and management of said president and directors, and the president and three directors shall constitute a quorum to transact business, or, in the absence of the president, any four of the directors, one of whom shall act as president *pro tem*. The president and directors, after they shall have been duly elected, as aforesaid, may make such assessments on the shares of said company as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper. They are to open or renew the subscription for the shares not already subscribed, or sell them and any forfeited shares, as they may think best for the company: *Provided, however*, that no stock shall be sold by them for less than the par value thereof.

Record of pro-
ceedings to be
kept.

§ 7. That it shall be the duty of the president and directors to appoint a clerk or secretary, and cause a record of the proceedings to be kept; they may also appoint a treasurer, and such other officers or agents as they may think needful for promoting said undertaking, and to allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary for carrying the same into immediate effect; and to require and take such bonds or other surety, in their corporate capacity, from any person or persons they may so appoint to contract with; and in the event of the death, resignation, or vacancy from any other cause, of the president or any director, the survivors, or a majority of them, shall supply the vacancy until the next annual election, by the election of another shareholder.

May receive
conveyances for
site of bridge &c

§ 8. That the said president and directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or sites for the abutments or piers of said bridge, and, if they shall deem it advisable and advantageous to the company, one acre of land at each end of the bridge, over and above what is authorized to be purchased by the first section of this act.

Bridge, how to
be erected.

§ 9. That the said permanent bridge shall be erected one hundred feet above low water mark, and not less than seven hundred feet span; and, when so erected and completed, the president and directors shall have a right to fix rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon, with their goods, carriages, or animals of every kind or description: *Provided, however*, that the said company shall lay before the Legislature of this state a correct statement of the tolls received for passing the same, and also the cost for keeping the said bridge in repair, and of the other expenses of the company; and the said president

Proviso.

and directors shall, from time to time, reduce the rates of toll, so that the net profits shall not exceed twelve per centum per annum, after the proper deductions are made for repairs and other charges. Toll gates may be kept and toll received at each end of the bridge; and the rates of toll shall be posted up in some conspicuous place where the toll is demanded.

§ 10. That if any person or persons shall willfully and knowingly do any act or thing whatever, whereby the said bridge, or any thing thereto belonging, shall be injured or damaged, the said person or persons, so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of competent and legal jurisdiction; and any person or persons who shall pass or attempt to pass said bridge, without paying the toll or tendering it, if there be any person there to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, or she, or they, were liable to pay for passing said bridge, recoverable before any justice of the peace in this commonwealth; and if any person or persons shall willfully set fire to said bridge, or burn the same, or any part thereof, such person, so offending, with their aiders or abettors, shall be guilty of arson.

§ 11. That certificates of stock in said company shall be issued under the seal of the company, in the form and manner that shall be designated by the by-laws of the company, which shall designate the mode of transfer.

§ 12. That two thousand shares may be taken by the city of Louisville; and, in case the mayor and council of the city of Louisville should take the said two thousand, or any less number of shares in said company, they are hereby authorized to raise the necessary amount of money by a loan on the credit of the city, and a pledge of the stock so subscribed and taken by them: *Provided, however*, the voters of said city, at some election, first agree that the mayor and council may subscribe for said stock.

§ 13. That this act of incorporation shall go into effect so soon after the passage thereof as it shall receive the ratification of the legislature of the state of Indiana; and shall cease to have effect if the stock shall not be taken, to the extent of two thousand shares, within five years, and the bridge to be completed, so far as to be passable, within ten years.

§ 14. That the said company shall be held liable and responsible, by any appropriate action, for all injuries sustained by vessels or boats, rafts of plank or timber, or other lumber, passing up or down said river, in consequence of the construction of said bridge, unless the injuries are sustained by negligence or want of competent skill of those on board of said vessels, boats, or rafts.

1850.

Penalty for injuring the bridge

Certificates of stock to be issued.

City of Louisville may take stock.

When act to take effect.

Liable for injuries to vessels.

1850.

May furnish
pilots.

§ 15. That it shall be lawful for said bridge company, at their own expense, to employ and furnish pilots known as the "Falls Pilots," at the falls of said river, for directing boats or other vessels, rafts of plank, timber, or other lumber, through the bridge; and if any person navigating a boat or other vessels, rafts of plank, timber, or other lumber, shall fail to take or refuse the aid of a pilot furnished by the company, then such boat or other vessel, raft of plank, timber, or other lumber, shall be considered as passing the bridge at the risk of the owner or navigator.

What sufficient
service of pro-
cess.

§ 16. That it shall be sufficient service of process on the corporation hereby created, to execute a summons on the president and secretary, or a majority of the directors and secretary of said company; and process so executed shall authorize judgment at the first term, as in other cases, if no appearance should be entered or plea filed.

Drift of all
kinds to be re-
moved.

§ 17. That it shall be the constant duty of said bridge company, from time to time, to remove all timber, or drift of any description, which may lodge against any of the piers of said bridge; and if they fail herein, they shall be liable to a fine of ten dollars for every twenty-four hours it is suffered to remain, after allowing a reasonable time to remove the same, to be recoverable by indictment or presentment in the Jefferson circuit court; and shall, moreover, be liable to any person sustaining any injury; and it shall be the constant duty of said company, from time to time, to light, during the night, said bridge in the centre of each pier in the river, if said bridge shall be constructed with piers.

Not to permit
a slave to pass
over.

§ 18. That it shall be unlawful for said company, their agents or officers, to suffer or permit any slave or slaves to pass over said bridge, without a written request of the owner or owners of such slave or slaves, or without said slave or slaves shall do so in company of such owner or owners; and said company shall be liable to pay said owner or owners for every slave so permitted to pass, contrary to the provisions of this act, the full value of said slave or slaves, to be ascertained by the verdict of a jury, together with a penalty of ten per centum thereon, to be assessed by a judgment of a court, and all costs of suit; which shall be recovered by action of debt, or on the case, in any court of competent jurisdiction within this commonwealth, as the plaintiff or plaintiffs may elect.

Penalty for so
doing.

Free navigation
not to be ob-
structed.

§ 19. That nothing contained in this act shall be so construed as to authorize said company to construct any bridge which may obstruct the free and common navigation of the said river Ohio.

Approved December 9, 1850.

CHAPTER 46.

1850.

AN ACT for the benefit of Henry Academy, and Henry Female College.

Whereas, it is represented to this legislature, that at New Castle, in the county of Henry, an effort is now making to establish two schools—a male school, known as the Henry academy, and a female school, now applying to be incorporated, under the name of the Henry female college; that a new and commodious building has lately been erected by the trustees of the Henry academy, with the funds of said institution and other aid afforded by the citizens of New Castle and vicinity, which building is still unfinished, and that the funds of said institution are exhausted; it is further represented that S. S. Summer, the principal of the said female college, with like aid afforded him by the citizens of New Castle and vicinity, is now having built a suitable college building for his school; that neither of these houses can be finished with the money subscribed; that the people of Henry have already been heavily taxed to carry up these buildings as far as they have gone; that the schools are not furnished with libraries or apparatus. The trustees of these schools are now making application to this legislature to grant them, jointly, the privilege of a lottery, by which they hope to realize a sufficient amount of means to finish and furnish the above named houses, properly improve and cultivate the grounds, furnish the schools with suitable apparatus, libraries, &c. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for J. N. Webb, Tho. B. Posey, Joseph Drane, William Pryor, and C. M. Mathews to raise, by way of lottery, in one or more classes, as to them may seem expedient, any sum not exceeding fifty thousand dollars, to be appropriated for the use and benefit, equally, of the Henry academy and Henry female college, located at New Castle, in the county of Henry; and the said managers, or such of them as may see proper to act, shall, before they enter upon the duties assigned them by this act, enter into bond in the county court of Henry, in the penalty of one hundred thousand dollars, conditioned for the faithful discharge of the duties enjoined on them by this act; and said bond may be sued on, in the name of the commonwealth of Kentucky, for the use and benefit of any person or persons injured by a breach of the conditions of said bond; and it shall be the duty of said managers, within ninety days after the drawing of said lottery, or any class thereof, to pay or cause to be paid to the fortunate person or persons holding the ticket or tickets, all such prize or prizes as may be due agreeably to the scheme which they, the said managers, may agree upon and publish: *Provided, however*, that such scheme shall not reserve more than twenty per cent. Said managers shall have the right to appoint such officers as may be necessary to con-

Authorized to
raise money by a
lottery.

To give bond.

1850.

Managers to
pay over pro-
ceeds of lottery
to the trustees.

duct said lottery, all of whom, before they enter upon the respective duties assigned them by the managers, shall take an oath before some justice of the peace, faithfully and honestly to discharge the same.

§ 2. That said managers shall, within ninety days after the drawing of said lottery, or any class thereof, pay over to the trustees of the Henry academy and the trustees of the Henry female college, equally, all sums of money which may be due in consequence of the drawing of said lottery, after all prizes have been paid.

Managers au-
thorized to dis-
pose of schemes
on certain con-
ditions.

§ 3. That the said managers shall be and they are hereby authorized to sell and dispose of said schemes, or any class thereof, to any person or persons who shall enter into bond with good security, conditioned well and faithfully to comply with all the terms and conditions of this act, payable to the commonwealth of Kentucky: which bond or bonds shall be received by said managers, and be by them filed in the said Henry county court, before said lottery, or any class thereof, shall be drawn: *Provided*, that nothing in this act contained shall be so construed as to repeal any provision of the general laws of this commonwealth against selling or vending lottery tickets within this state.

Approved December 9, 1850.

CHAPTER 47.

AN ACT for the benefit of Jacob S. White, of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That power and authority is hereby given to the Madison county court to appropriate and pay out of the county levy of said county, to Jacob S. White, late a member of said court, the amount of a judgment lately recovered by Malinda and Nathan Roberts, children of Viney Roberts, against him in the Madison circuit court, for taking insufficient security in a guardian's bond, whilst he was acting as one of the justices of said county court; and said court is authorized to make a levy sufficient for that purpose.

Approved December 7, 1850.

CHAPTER 48.

AN ACT for the benefit of Edmund Curd, of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William H. Curd and Joel H. Curd, guardians of Edmund Curd, of Calloway county, be and they are hereby authorized to pay or deliver to the said Edmund Curd, any money, property, or estate in their hands, as guardians as aforesaid; and any receipt executed by the

said Edmund Curd for money, property, or estate, so paid or delivered to him, shall be and the same is hereby made as binding and obligatory upon him, the said Edmund Curd, as if executed by him when of full age.

1850.

Approved December 7, 1850.

CHAPTER 49.

AN ACT to incorporate the Kentucky Agricultural and Mechanical Association, at Lexington

Whereas, divers persons of the counties of Fayette, and other counties in this commonwealth, have organized an association, under the name and style of "the Kentucky agricultural and mechanical association," for the purpose of promoting improvement in all the various departments of agriculture, mechanics, and horticulture, and for that purpose have adopted a constitution and by-laws, and chosen a president and ten directors to control and manage the affairs thereof, and have applied to the general assembly for an act of incorporation. Therefore,

Preamble

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of "the Kentucky agricultural and mechanical association, at Lexington," and, by that name, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding twenty-five acres, and may improve, and sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the president and directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the seal of its president for the time being.

Incorporated.
and corporate
powers.

§ 2 That the president and directors already chosen, as aforesaid, shall continue in office until the first Saturday in May, 1851, and until their successors are duly elected and qualified; an election, however, of a president and ten directors shall be had on the first Saturday in May next, by the qualified members of said association, and annually thereafter, unless the members of said association, at said annual election, shall, by resolution, fix upon a different day; and they may, at their annual election, reduce the number of directors.

Terms of office and officers
to be elected.

§ 3. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the president and directors aforesaid, and they shall have power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary in carrying out the purposes

Powers of the
officers.

1850.

of said association ; and they may require of such inferior officers, or either of them, so elected, bond with good security for the faithful discharge of his or their duty. Said president and directors shall have power to make such regulations and by-laws, not inconsistent with the constitution and laws of this commonwealth, as, in their opinion, may contribute to the good order and management of said association, and may, from time to time, modify and repeal the same at their pleasure. They shall have power to contract and be contracted with, in their corporate name, and to do any and every other act not inconsistent with the constitution and laws of this commonwealth, which, in their opinion, will contribute to advance the objects of said association.

Who to form
a quorum.

§ 4. Any five members of the directors, together with the president, shall be a quorum for the transaction of business, unless the association shall fix on and require a different number.

Company liable
for debts.

§ 5. That said association shall, in its corporate capacity, with all the estate belonging thereto, be liable for any debts heretofore contracted by it, or by its authority, as fully as though the same had been contracted since the passage of this act.

Liquors not to
be sold on the
grounds of the
corporation, &
how punished.

§ 6. That no spirituous liquors shall, directly or indirectly, during the continuance of any fair of said association, be sold upon the premises used for any such fair ; nor shall any such liquor, during any such time, be sold, either directly or indirectly, upon any lot, or lane, road or street, adjoining the same, under the penalty of twenty dollars for each and every such offense, to be recovered, together with the costs, by warrant in the Lexington city court, or before any justice of the peace in the county of Fayette ; and each separate act of selling shall be a separate offense.

Approved December 7, 1850.

CHAPTER 50.

AN ACT to authorize the location of a toll gate near the town of Centreville, on the turnpike road from Georgetown to Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the board of internal improvement, for the county of Bourbon, may locate a toll gate on the turnpike road leading from Georgetown to Paris, as near the cross roads in the town of Centreville ; as may be deemed most advisable by said board, and that so much of the act incorporating the Georgetown and Paris turnpike road company, regulating the location of gates in the vicinity of towns, so far as the same is applicable to the town of Centreville, be and the same is hereby repealed.

Approved December 7, 1850.

CHAPTER 51.

1850.

AN ACT to regulate the rate of toll, at the toll gate near the town of Paris, on the turnpike road leading from Paris to Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act to incorporate the Paris, Winchester, and Kentucky river turnpike company, approved February 25, 1848, be so amended as to authorize the keeper of the toll gate on the turnpike road from Paris to Winchester, next to the town of Paris, to collect and receive from persons passing through said gate, if such person shall have traveled on said road more than five miles without having passed through a gate, an increased rate of toll in proportion to the distance over five miles traveled; and said gate keeper shall collect and receive from persons traveling on said road a distance short of five miles, toll proportioned to the distance traveled, and no more.

Approved December 7, 1850.

CHAPTER 52.

AN ACT to authorize the Police Judge of Somerset to grant injunctions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the police judge of the town of Somerset shall have full power and authority to grant injunctions, restraining orders against absent defendants, and writs of *ne exeat* and *habeas corpus*, under the same rules and regulations now prescribed by the several acts authorizing certain justices of the county courts to grant injunctions, writs of *ne exeat*, *habeas corpus*, &c., and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace.

Approved December 7, 1850.

CHAPTER 54.

AN ACT to incorporate the Elizaville and Helena Turnpike Road Company.

Whereas, it appears by the journals of both houses of the general assembly of this commonwealth, for the session begun and held at the capitol in the city of Frankfort on the 30th day of December, 1848, there passed both houses of said general assembly, an act, entitled, "an act to incorporate the Elizaville and Helena turnpike road company," which was for the purpose of constructing a turnpike road from Elizaville, in Fleming county, to intersect the Helena turnpike road near Richard Wells', in Mason county, which act, by some omission, was not presented to the governor for approval, and was not approved by him; and whereas,

Preamble, incorporating act of last legislature.

1850.

also, it is represented to this general assembly, that various persons have associated themselves together, under and upon the principles contained in the said supposed charter, subscribed stock, elected officers, and nearly completed said road; and that, unless a charter be now granted them in the words of said recited act, great damage and inconvenience will arise to the persons therein engaged. For remedy whereof,

Company in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said company is hereby incorporated in the language of the said recited act, as follows :

Capital stock.

Books to be
opened for the
subscription of
stock.

Obligation.

When company
may be organ-
ized and direct-
ors elected.

“Be it enacted by the general assembly of the commonwealth of Kentucky, That a company be and is hereby formed and created a body corporate and politic, by the name and style of the Elizaville and Helena turnpike road company, to consist of a president and five directors, with all those who may become stockholders, for the purpose of building a turnpike road, on the McAdamized plan, from Elizaville, in the county of Fleming, to intersect, at some eligible point, the Helena turnpike road, in the county of Mason. The capital stock of said company shall be twenty thousand dollars, to be increased or diminished at the option of the board of directors, so as to be sufficient to complete said road, to be divided into shares of one hundred dollars each; and books for the subscription of stock may be opened at Elizaville, under the care of John S. Darnall, William H. Berry, and Roly S. Porter, or any two of them; and at Helena, under the care of Leonard Tully, Woodson Morgan, and Lucian Luttrell, or any two of them, at any time within twelve months that they or a majority of them shall agree upon, and may be kept open for six months, unless the stock is sooner taken. The commissioners shall procure books for the subscription of stock, and the subscribers shall enter into the following obligation, viz: “We, whose names are hereunto subscribed, do severally promise to pay to the president and directors of the Elizaville and Helena turnpike road company, the sum of one hundred dollars for each share of stock set opposite to our names respectively, in such proportions and at such times as the president and directors may determine upon.” That so soon as seventy-five shares are subscribed to the capital stock of said company, it shall be the duty of said commissioners to call a meeting of the stockholders, by written notice to each one, for the purpose of electing the officers of said company; and each stockholder may have one vote for each share of stock subscribed for by him, which may be given in person or by proxy. The election shall be determined in favor of the persons having the highest number of votes, who shall remain in office for twelve months, and until their successors are duly elected; a majority of the board of directors, with the president, shall constitute a quorum for the trans-

action of business. That so soon as the said company is organized, the president and directors shall possess all the powers, rights, and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of said road, and for contracting for all necessary implements and labor necessary to complete said road; and may have and enjoy all the rights and privileges, and be subject to all the restrictions as are given and granted to the Carlisle and Sharpsburg turnpike road company by an act approved 26th day of February, 1847, except as herein otherwise provided for. That the president shall fix and regulate the elevation and the width of the part thereof to be covered with stone, and shall designate the place for gates, not exceeding two half gates, and may fix the rate of tolls, and regulate and change the same: *Provided*, that the width of said road shall not exceed fifty feet, and the part to be covered with stone shall not be less than twelve feet in width."

§ 2. *Be it further enacted*, That all of the acts of said company, and the officers thereof, done in pursuance of said supposed charter, and the stock subscribed heretofore, shall be and are hereby confirmed; and made as valid and binding on the persons concerned and interested as if the said act had become a law.

§ 3. *Be it further enacted*, That the shares in said road, heretofore and hereafter subscribed and taken, shall be fifty dollars each, and the width of said road shall be at least forty-eight feet.

Approved December 9, 1850.

CHAPTER 55.

AN ACT to incorporate the Louisa, Paintsville, Prestonsburg and Pikeville Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name and style of the Louisa, Paintsville, Prestonsburg and Pikeville turnpike road company, for the purpose of making a turnpike or other road from any convenient point in the Owingsville and Big Sandy turnpike road, near the residence of William Hampton, passing through Louisa, Paintsville, Prestonsburg, and Pikeville, to the Virginia line, so as to intersect the Virginia turnpike road at the most suitable point; and that the capital stock of said company shall be as many shares, of fifty dollars each, as will make said road, not exceeding two hundred and fifty thousand dollars.

§ 2. That books for the subscription of stock in said company shall be opened on the first Monday in April next, in Louisa, under the direction of Frederick F. Moore, R. D. Calahan, Benjamin Burk, Samuel Short, Thomas Wallace,

1850.

When organized may lay out and construct road.

Privileges of Carlisle and Sharpsburg turnpike charter adopted.

Grade and elevation.

Rates of toll.

Acts of company legalized and confirmed.

Shares of stock & width of road reduced.

Company formed.

Capital stock.

Books to be opened for the subscription of stock. Commissioners.

1850.

Covenant to
be signed.

and George F. Hatcher; at the mouth of Big Sandy river, L. J. Hampton, Hiram Davis, William T. Nichols, John Clark, and William Hampton; at Paintsville, David Borders, Moses Preston, Sr., Littleton T. Harris, James M. Smith, and Henry G. Hager; at Prestonsburg, John P. Martin, Edwin Trimble, Milton Freese, John M. Elliott, and Hugh Hoskins; and at Pikeville, Colbert Cecil, George P. Brown, John Richardson, John Dilts, and William Cecil, or some two or more of those who are appointed commissioners at each place. The subscribers to said company shall enter into the following obligation, substantially: "We, whose names are hereunto subscribed, severally promise to pay to the Louisa, Paintsville, Prestonsburg and Pikeville turnpike road company, the sum of fifty dollars, in cash, labor, or materials, as the president and directors may require, for each and every share of stock set opposite our names, respectively, and agreeably to an act of the general assembly incorporating said company." Public notice shall be given of the opening of the books for stock in said company.

When company
may be organized and directors elected.

§ 3. Whenever the commissioners, or any three of them, may be of opinion that a sufficient amount of stock has been subscribed for the making of said road, they may call a meeting of the stockholders, for the purpose of electing a president and five directors, whose term of office shall be for one year, and until their successors have been elected and qualified. A treasurer shall be appointed annually by the president and directors, who shall give a bond, with good security, in an adequate penalty, payable to said company, conditioned that he will faithfully discharge the duties of treasurer; that he will perform the duties required of him by the by-laws of said company, and that he will pay the amount of moneys in his hands to the president and directors, or to their order: *Provided*, that the president, directors, and treasurer, before entering upon the duties of their offices, respectively, shall take an oath before some judge or justice of the peace, to the effect that he will faithfully perform the duties of his office without favor or affection, and to the best of his judgment.

Directors to
appoint a treasurer—his duties.

Corporate
powers.

§ 4. That upon the election and qualification of the president and directors, they shall be a body politic and corporate, in deed and in law, by the name and style of the Louisa, Paintsville, Prestonsburg and Pikeville turnpike road company, and, by that name, to have perpetual succession, and all the privileges and franchises incident to corporations; and shall be capable of taking and holding their capital stock, and the increase and profit thereof, and of purchasing, taking, and holding to them, their successors and assigns, and of selling, transferring, and conveying all such lands, tenements, and real and personal estate, as much as shall be necessary to them in the prose-

cution of their work; to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatever; also, to have a common seal, and to do all and every thing which a body politic and corporate may lawfully do.

§ 5. Every stockholder shall be entitled to as many votes in the election of a president and directors, and in all other elections, as he may hold shares of stock in said company. The stockholders may vote in person or by proxy; the elections shall take place annually, on the second Monday in May in each year, unless the time shall be changed by the by-laws of the company; and at each annual meeting of the stockholders, the president shall lay before them an expose of the situation of said company, and the records of their proceedings. The company shall have power to pass by-laws for their government, and to fix days and places for their annual meetings and elections; and certificates of stock shall be transferrable, as other personal property, on the books of the company, in person or by attorney, and proper certificates of stock shall be given to stockholders; but no share shall be transferred until all calls and arrearages shall be paid thereon. The by-laws shall provide for calling the meetings of the president and directors, the number that shall be requisite to constitute a board, the salaries of all officers, the filling of all vacancies in the board, or otherwise, the election of agents, superintendents, gatekeepers, engineers, and others. The president and directors shall prescribe the time, manner, and proportions in which the stockholders shall make payments on their respective shares. The president may draw orders on the treasurer for all sums necessary to be disbursed, and the board may do all such matters and things as, by this charter and the by-laws, they are authorized to do.

§ 6. The president shall give public notice, for at least thirty days, of the amount of call on each share of stock, and of the time of payment; and should any stockholder fail to pay such call as may be made, within thirty days after it falls due, he shall pay one per cent. per month for such failure, until the call shall be fully paid; and for failure to pay such call and interest for six months, the president and directors may forfeit to the corporation the shares so unpaid, and the amount which may have been paid on them; and such forfeited shares may be sold by the president at public auction for what they may bring, provided they sell for the balance due thereon; or the president may enforce payment from such stockholders by law.

§ 7. The road shall be graded as deemed most advisable by the president and directors, its width not to exceed forty feet, and the portion covered with metal, or plank, or other

1850.

Respecting
votes of stock-
holders.

When elections
to be held.

May make by-
laws.

Directors to fix
calls on stock
subscribed.

Notice of each
call on stock to
be given.

Proceedings in
case of delin-
quents.

Width and
grade of road.

1850.

Route of the
road, &c.Right of way,
how to be ac-
quired.

material, if covered at all, not to exceed sixteen feet. The president and directors, or a majority of them, may fix the route of said road; and by themselves, servants, and agents, they are hereby authorized to enter in and upon the land and inclosures through and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor, to examine for quarries of stone, or other materials necessary for the completion or repairs of the road; and in case the corporation, by purchase or voluntary cession, shall not be able to acquire the lands over which the road shall be laid, yet it may appropriate so much of the lands as may be necessary to its use for the purposes contemplated by this charter: *Provided*, the owner shall be paid a just compensation therefor; to ascertain which, the following steps shall be taken: on the presentation of a petition from the president and directors to a judge or justice of any court, setting forth the land and materials wanted, and the name or names of the owners thereof, and showing that due notice has been given, the judge or justice shall fix a time, and appoint three disinterested freeholders of the county, who, being first sworn "honestly and impartially to assess such damages, and to take into consideration all the advantages and disadvantages to the owner or owners of said land," shall assess the damages which, in their judgment, the owner or owners would sustain by reason of the appropriation of their land or materials, after viewing the land and hearing all testimony offered, and return their report, in writing, within ten days to the judge or justice. The parties, both being notified of the report, may either, on giving the opposite party new notice of the time and place, introduce proof before the judge or justice, who may set aside the award for good cause shown, and appoint other appraisers, or he may correct or modify the report as may be most conducive to justice; and when settled upon by the judge or justice, and payment made to the owner, the title shall vest in said corporation; and the judge or justice shall cause the award of the appraisers, and his judgment, and the evidence of the payment of the money, to be recorded in the county court clerk's office with deeds of conveyance, which shall operate as a deed to the corporation; and copies from such records shall be read as copies of deeds.

Toll gate may
be erected.

§ 8. So soon as said road may be completed, or five miles thereof, and two justices of the peace shall certify to the fact, toll gates may be put across it, one to every five miles, and the corporation may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, &c.: *Provided*, that no toll gate shall be erected within a mile of any town.

Rates of toll.

§ 9. The president and directors may, from time to time, appoint all necessary toll gatherers, to collect from every

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person using said road the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any cattle, sheep, hogs, wagon, carriage, or any other animal, or mechanism of burden or pleasure, from passing through said gates, or on said turnpike, until toll shall have been paid by them, agreeably to the following rates, to-wit: for every twenty head of sheep, or other small stock, such as hogs, five cents; for every five head of cattle, five cents; for every horse, mule, jackass, or other four footed animal of the like or larger kind, five cents; for every two wheel pleasure carriage, five cents, exclusive of the beast or beasts by which it is drawn; for every four wheel pleasure carriage, ten cents, exclusive of the beast or beasts by which it is drawn; for every cart, ten cents; every four wheel wagon, or other carriage of burden, twenty cents, exclusive of the tolls on the horses or other beasts by which such cart, wagon, or other carriage of burden may be drawn; and a list of tolls shall be kept up at each toll gate.

§ 10. If any person, liable to pay tolls on said road, shall, with intent to defraud the company, pass through any private gate or bars, or along or over any ground or lands, near to such turnpike gate, or with intent to lessen or evade the payment of tolls, shall practice any other fraud or device, or use force, such person, for each offense, shall forfeit and pay to said company, over and above the tolls, a sum not less than one dollar nor more than ten dollars, recoverable before a justice of the peace, in an action of debt, in the name of the corporation, and for its sole use.

Penalty for
avoiding the
payment of toll.

§ 11. Whenever the county court of any county through which said road shall pass, shall enter an order that said road is so far out of repair that tolls should not be paid, and the president of the company shall have notice thereof, then the company shall no longer charge tolls at such gate or gates as may be specified in the order, until said court is satisfied that the road has been sufficiently repaired, or until a justice of the peace shall certify to its good condition; which certificate shall be filed in the county court clerk's office, and there recorded, for which the clerk shall be paid twenty-five cents by the company; and as soon as filed, tolls may be again charged on said road. For a violation of this clause, the company, for each offense, shall be finable in any sum of not less than one nor more than twenty-five dollars; and should any toll gatherer on the road charge and collect more toll than hereby authorized, he shall be fined ten dollars, in either or both cases, recoverable in an action of debt before any justice of the peace.

County courts
may, upon cer-
tain conditions,
throw gates
open.

§ 12. The president and directors shall keep a fair account of all the receipts and expenditures of the company, which shall at all times be open for the inspection of any

Record of pro-
ceedings to be
kept.

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Dividend to be made.

stockholder, and be laid before the stockholders at their general meetings. After one or more gates shall have been erected on said road, the president and directors shall, every six months, make a dividend of the clear profits, and pay it to the shareholders: *Provided, however*, that if the net proceeds of the tolls, at the rates herein allowed, shall not produce a dividend of net profits of six per cent. per annum on the cost of said road, the same may be increased so as to produce six per cent. per annum; and if the said rates, for one year, should produce more than twelve per cent., they shall be reduced so as not to exceed more than twelve per cent. per annum.

Bond from toll gatherers to be taken.

Penalty for injuring the road.

§ 13. All gate keepers shall give a bond to the company, when required, for the faithful performance of their duty; and all persons guilty of tearing down, or in any wise defacing any mile or other post on said road, or sign-board, or index, shall be finable before a justice of the peace, not less than two nor more than ten dollars, in the name and to the use of the company.

Provisions for traveling the road.

§ 14. All wheel carriages of every description, passing on said road other wheel carriages, shall keep on the right hand side, leaving at least one-half the track, on the left hand side, free for other carriages to pass and re-pass; and any driver offending herein, shall be finable in the sum of five dollars, to be recovered by the company before a justice of the peace, besides being liable to the person injured in all damages which he may sustain.

Company may own land for the erection of toll gates, &c.

§ 15. The president and directors may purchase, or otherwise have condemned, in the same way as land for the road, a sufficient quantity of ground on which to erect a toll house, and other buildings and fixtures, not exceeding one acre; but such acre shall not include any dwelling or other house, or the garden, yard, or orchard of the owner, without his consent; nor shall said gate be nearer than three hundred yards to any person's dwelling without his consent; nor shall it prevent him from having free access to his farm or residence.

When no tolls shall be imposed

§ 16. No tolls shall be imposed on the owners of land through which the road shall pass, or on their servants, horses, cattle, or other stock, when passing on the road from one part of the farm to another; or upon persons passing to or from any funeral; or upon voters going to or returning from any general election; or upon persons, on the sabbath, going to or returning from any public worship; or upon militia, on days of muster, attending to their duty.

When tolls may be reduced.

§ 17. The president and directors shall have power to reduce the rates of toll in cases of persons or families having frequent occasion to pass through the gates, and, instead thereof, may charge them a reasonable annual toll; but all persons making these annual contracts shall be reported by the treasurer.

Approved December 9, 1850.

CHAPTER 56.

1850.

AN ACT to abolish the Stray Pen in Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the laws requiring the Pulaski county court to keep up and maintain a stray pen in said county, be and the same are hereby repealed.

Stray pen abolished.

§ 2. That, hereafter, persons posting a stray horse beast in the county of Pulaski, shall set up a written notice of the same, giving a description thereof, on the court house door in Somerset, on three successive county court days.

Notices of strays to be set up on the court house door in Somerset.

Approved December 9, 1850.

CHAPTER 58.

AN ACT to repeal an act for the benefit of James Cunningham, of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act for the benefit of James Cunningham, of Trigg county, be and the same is hereby repealed; and the law declaring Little river a navigable stream from its mouth up to the town of Cadiz, be and the same is hereby revived.

Approved December 9, 1850.

CHAPTER 59.

AN ACT to repeal, in part, an act, entitled, "an act authorizing mill dams to be built across John's creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, "an act authorizing mill dams to be built across John's creek," approved February 25, 1835, as gives to the county court of Pike county power to cause John Auxier, or other persons having mill dams on John's creek, in Floyd county, or in Pike county, to build a slope or lock to said dams, be and the same is hereby repealed.

Approved December 9, 1850.

CHAPTER 60.

AN ACT to repeal an act, entitled, an act to reduce into one the several acts concerning the town of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to reduce into one the several acts in relation to the town of Cynthiana, approved March 7, 1850, be and the same is hereby repealed; and the several acts relative to said town shall remain

1850.

in full force the same as if the above recited act had not been passed.

Approved December 9, 1850.

CHAPTER 61.

AN ACT for the benefit of Stephen Moody, of Monroe county.

Whereas, it is represented to this general assembly, that on the 21st day of February, 1850, a patent issued from the commonwealth of Kentucky, to Stephen Moody for fifty acres of land, situated in Monroe county, which was surveyed on the 11th day of May, 1849, but said land is described in said survey and patent as being situated on Mashack's creek, when in fact it is upon Sulphur Lick creek. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the surveyor of Monroe county be and he is hereby authorized to amend and so change the said survey, as recorded by him and certified to the register of the land office, as to describe said fifty acres of land as being situated on Sulphur Lick creek; and the register of the land office is also authorized to amend the patent for said fifty acres of land so as to conform to said amended survey.

Approved December 9, 1850.

CHAPTER 62.

AN ACT for the benefit of the Trustees of Washington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Washington, county of Mason, be and they are hereby authorized and empowered to sell and dispose of all such streets and alleys that are now inclosed and in the possession of individuals, and that are not open, or appropriated to public use for streets and alleys; and the said trustees shall be and they are hereby authorized to make and execute all such deed or deeds as may be sufficient to convey to the purchasers all the right, title, and interest now vested in the town of Washington thereto.

Approved December 9, 1850.

CHAPTER 63.

AN ACT for the benefit of the town of Flemingsburg.

Trustees may annually levy & collect an internal improvement tax.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Flemingsburg shall have full power to levy and cause to be col-

lected, annually, an additional tax, not exceeding twenty cents on the one hundred dollars in value of real estate and improvements thereon, within said town, which shall be levied and collected at the same time and in the same manner as other taxes in said town, are levied and collected, and which shall be appropriated for the purposes of internal improvements, or for stock in turnpike roads leading to said town, within the limits thereof.

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§ 2. That the said trustees shall have full power to levy and collect a poll tax upon each male inhabitant of said town, including slaves, over twenty-one years of age, not exceeding, in any one year, more than one dollar for each poll, to be applied for the use of the town, as the trustees thereof may direct.

May levy and collect poll tax.

§ 3. That the trustees of said town shall have full power and authority to cause any and all of the streets and alleys in said town to be graded and paved with plank, stone, gravel, or brick, at the expense of the owners of the adjoining lots; and if, upon the order of said trustees, duly made, and due notice given to the owners of said lots, they fail to grade or pave the streets or alleys in the manner directed by the trustees aforesaid, then said trustees shall cause the same to be done at the expense of such property holders; and they shall have full power to levy such costs upon any of the property of such owners in said town, and cause the same to be sold to raise the funds to pay the same: *Provided*, that said tax shall not be laid until a majority of the voters, entitled to vote at an election for trustees, shall approve of the power hereby given to said trustees; and in order to ascertain this fact, the said trustees are authorized to hold an election at any time they may direct, after ten days' notice of the time, place, and object of said election given to the voters thereof.

May cause streets, &c., to be improved.

If owners of lots refuse to improve, it may be done at the expense of the property.

Provided.

Approved December 9, 1850.

CHAPTER 64.

AN ACT for the benefit of the Presbyterian Church in Mountsterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the house and lot of the Presbyterian church, in Mountsterling, are hereby authorized to sell and convey a strip of land belonging to said church, and located adjoining, or near to the lot on which the church is built, and appropriate the proceeds thereof to such purposes as the church may deem fit: *Provided*, that all of said trustees shall concur in the sale.

Approved December 9, 1850.

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CHAPTER 65.

AN ACT for the benefit of the Sheriff of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Albert G. Waggener, sheriff of Cumberland county, have the further time of two years from the passage of this act, to distrain for and collect the unpaid county levy and revenue tax due him from citizens of said county, and all fees due him under the laws now in force.

Approved December 9, 1850.

CHAPTER 66.

AN ACT to incorporate Bedford Division, No. 159, Sons of Temperance.

Members in-
corporated.Corporate
powers.May hold real
estate.Trustees to
manage con-
cerns of corpo-
ration.May enact by-
laws, &c.Trustees ap-
pointed.Election of
trustees.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the members of Bedford division, No. 159, sons of temperance, in Bedford, Trimble county, be and they are hereby created a body politic and corporate, by the name and style of Bedford division, No. 159, sons of temperance, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said division; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have, or may hereafter acquire: Provided, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed twenty thousand dollars.*

§ 2. That the management of the prudential and fiscal concerns of said corporation shall be and is hereby confided to five trustees, and their successors in office, who, or a majority of whom, shall have full power and authority to make all contracts pertaining to the real or personal estate of said division.

§ 3. That the trustees of said corporation may have, make, and use a common seal, which they may change or alter at pleasure; and the members of said division may make such by-laws, rules, and regulations, touching the management and control of the real and personal estate belonging to said division, as they, from time to time, may choose: *Provided*, they be not inconsistent with the constitution and laws of the United States, or of this state.

§ 4. That A. Bain, J. W. Stewart, William D. Ray, William Samuels, and F. E. Skidmore be and they are hereby appointed trustees, as provided for in section second hereof, and shall hold their office until the second Monday in September, in the year 1851, and until their successors are appointed; and it shall be the duty of the members of said division, on the second Monday in September, 1851, and on the second Monday in September every year there-

after, to elect five members of their body to act as trustees for one year, and until their successors are duly elected; and service of process or notice on any two of said trustees shall be sufficient service and notice to all.

§ 5. The general assembly hereby retains the power to alter, change, modify, or repeal this act at pleasure.

Approved December 9, 1850.

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How process
may be served.

Power reserved.

CHAPTER 67.

AN ACT for the benefit of the Common School Commissioners of Monroe county.

Whereas, it is represented that the common school district No. 13, in the county of Monroe, was regularly organized, and a school taught therein for the term of three months, in the year 1849, prior to the 10th day of November in that year, under the common school system, and that the trustees of said district made report thereof, according to law, to the common school commissioners of said county, and said commissioners omitted to include, in their annual report to the superintendent of public instruction, the report of the trustees of said district No. 13; and whereas, it is represented that said school commissioners, feeling a deep solicitude in the success of the school system, and not being willing to see the citizens of said district fail in getting their portion of the public fund, did pay, out of their own means, to the trustees of said district, the money to which it was entitled by law, according to the report of said superintendent, if it had been reported to him. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said school commissioners may now make out and file their report of said district with the superintendent of public instruction, and thereupon he is hereby directed to report the same to the second auditor, in such way and manner as that said commissioners shall receive the money from the public treasury to which it shall appear, from said report, the district above named would have been entitled, if reported by said commissioners in their annual report for the year 1849.

Approved December 9, 1850.

CHAPTER 68.

AN ACT for the benefit of David Howell, and others.

Whereas, it is represented to the general assembly, that the executive of this state, having demanded of the governor of Virginia a certain Henry Newson, a fugitive from justice from Floyd county, in this state, appointed David

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Howell to receive and bring back said fugitive from the jail of Cabell county Virginia. Therefore, for the purpose of defraying the expenses incurred by said Howell on account of the prisoner, and to remunerate the guard employed by him, and expenses incurred by them,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be and he is hereby directed to issue his warrant on the treasury for the sum of six dollars each, in favor of David Howell, John B. Harris, Jonathan Webb, Elisha Branham, and Samuel Hatfield.

Approved December 16, 1850.

CHAPTER 69.

AN ACT for the benefit of the town of Bloomfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the provisions of an act of the general assembly, entitled, "an act further to regulate the town of Paintsville, and for other purposes," approved March 4, 1850, be and they are hereby made to apply to the town of Bloomfield, in Nelson county, as fully and effectually as though the word "Bloomfield" occurred in said act wherever the word "Paintsville" occurs.

Approved December 16, 1850.

CHAPTER 70.

AN ACT to incorporate the Maysville and Bull Creek Plank Road Company.

Company in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lewis Collins, William R. Wood, Francis T. Hord, William Stillwell, James B. Robinson, Francis H. Taylor, James N. Morrison, and John M. Breen, and their successors and associates, be and they are hereby created a body politic and corporate, with perpetual succession, for the purpose of constructing a plank road from the eastern terminus of second street, in East Maysville, to Bull creek, in the county of Mason, by the name and style of the Maysville and Bull creek plank road company; and, by that name and style, shall have power and authority to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all the courts of law or equity in this commonwealth, or elsewhere; and to have and use a common seal, and the same to alter, renew or change at pleasure; and, generally, to do and perform every act and thing necessary and proper to carry into effect the objects of this act, and the purposes for which the corporation hereby created is designed.

Corporate pow-
ers.

§ 2. The capital stock of the company hereby incorporated shall be sixteen thousand dollars, to be divided into shares of fifty dollars each.

§ 3. The persons named in this act, or any two of them, shall have power and authority to open books for the subscription of stock in said company, at such time and place as they may deem proper, and keep the same open as long as they may think expedient, or until the whole capital stock of said company shall be subscribed, or such part thereof as they may deem sufficient with which to commence the work, with a view to its completion; but said company shall not be organized by the election of officers, as hereafter provided, until at least the sum of five thousand dollars of the capital stock shall have been subscribed for, as herein provided; and when that sum, or more, shall have been subscribed, then the company shall have the right to organize and proceed to the election of officers, as hereinafter provided.

§ 4. The management of the affairs and prudential concerns of the company shall be under the control and direction of a president and four directors, who shall be stockholders, and who shall be chosen annually by the shareholders, at such time and place as may be appointed by the persons under whose direction the books for subscription of stock may have been opened, as hereinafter provided. Each share of stock shall be entitled to one vote; and at least one week's previous notice, in some one of the papers published in Maysville, shall be given of the time and place of the election; and thereafter the elections shall be held in such manner as may be provided by the by-laws of the president and board of directors, except that each share of stock shall always be entitled to a vote.

§ 5. The president and directors shall have power to make such by-laws as they may deem proper for the convenient and expeditious transaction of the business of the company, not, however, inconsistent with the constitution or laws of this commonwealth. They may also provide, by such by-laws, the manner or mode of transferring the stock of the company; and when, where, and under whose direction the annual elections for a president and directors shall be held; and how vacancies in the board of directors, or of the office of president, shall be filled.

§ 6. That it shall be the duty of the president and directors to provide, in their by-laws, for annual elections, by the stockholders, of a president and directors; and that a stated period for that purpose be fixed.

§ 7. That the president and directors have the right to appoint their own secretary, and a treasurer of the company, and to employ such other officers, agents or servants as they may deem expedient or necessary, and to pay them, or any of them, for their services, out of the corporate

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Capital stock.

Books to be opened for the subscription of stock.

When company may be organized and officers elected.

Directors to be elected annually

May enact by-laws, &c.

By-laws to provide for election of directors

Directors may appoint necessary officers under them, and fix their compensation.

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fund; and to dispense with the services of any, whenever they may think fit, and employ others, if necessary.

Authorized to
make surveys.

§ 8. That as soon as the company shall be organized, as herein provided, or as early thereafter as convenient, it shall be the duty of the president and directors, by themselves or a committee of five from the stockholders, with a competent engineer, to proceed to mark out the route of said road, preparatory to its location; and if done by a committee, as herein provided, they shall report to the board for their examination and approval.

Power to take
release of right
of way.

§ 9. That, for the purposes of said road, the company is authorized to buy or receive relinquishments of title, for the right of way, from landholders through whose lands the road may pass, of not less than forty feet in width, nor more than sixty feet in width, as may be considered best by the president and directors; or said company shall have the right to condemn any lands for this purpose, in the way and to the extent that turnpike road companies generally have by law; and, in like manner, said company shall have the right to acquire title to, and hold not more than five acres of land, for the erection of a toll house, and for the purposes of a toll gatherer.

May hold land
for toll gates, &c

When road is
completed may
erect a toll gate,
and collect tolls

§ 10. That when said road shall be completed by said company, with suitable materials, and by proper construction, which fact shall be determined by a justice of the peace of Mason county, no way connected with said corporation as a stockholder, or contractor under it, and the fact certified by him to the Mason county court, which court shall cause the said certificate to be recorded by their clerk on the order book of the said court, for which he shall receive a fee of fifty cents from said company, then said company may erect a toll gate on said road, and have a right to demand and receive, from the passers over it, such tolls as are hereinafter allowed and provided for, to-wit: For every head of sheep, one quarter cent; for every head of hogs, one half cent; for every head of cattle, two and a half cents; for every head of horses and mules, in droves of ten and upward, three cents; for every head of horses and mules, less than ten, and other four footed animals of the large kind, five cents; horses and riders, five cents; gig, buggy, or barouche, drawn by one horse, ten cents; gig, buggy, or barouche, drawn by two horses, twenty cents; family carriage, twenty cents; cart or dray and one horse, ten cents; cart or dray and two horses, fifteen cents; wagon or carriage of burden and one horse, fifteen cents; wagon or carriage of burden and two horses, twenty cents; wagon or carriage of burden and three horses, twenty-five cents; wagon or carriage of burden and four horses, thirty cents; wagon or carriage of burden and five horses, thirty-five cents; wagon or carriage of burden and six horses, forty cents; sleigh and one or two horses, ten

Rates of toll.

cents; sleigh and four horses, twenty cents; omnibus and two horses, twenty cents; omnibus and four horses, thirty cents; stages with two horses, twenty cents; stages with four horses, thirty cents: *Provided*, that said rates may be changed and lessened by the president and directors at any time, but shall not be increased by them, unless the net dividends from the tolls fall below six per cent. per annum.

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Rates of toll may be lessened

§ 11. That any person or persons who shall use said road, and evade or shun the toll gate thereon, and avoid the payment of his or their tolls, shall be liable to the same penalties, and be proceeded against in the same manner as provided by law against such offenders on the Maysville and Lexington turnpike road.

Penalty for evading toll gates

§ 12. That the president and directors shall have full power and lawful authority to take bond, with surety, from any officer, agent, or contractor with said company, and in such penalties as they may think proper, and with such conditions as they may prescribe, the better to insure the performance of the duty required, or the compliance with the thing stipulated; and all such bonds shall be as obligatory on principals and sureties as if such bonds had been specially provided for, and their conditions prescribed by this act.

Directors may require bond of any officer.

§ 13. That the president and directors shall keep, or cause to be kept, a fair record of their proceedings, which shall be subject to the inspection and examination of any stockholder, at any time.

Directors shall keep a record of their acts.

§ 14. The capital stock, and all the property of said corporation, shall forever be exempt from taxation by the authorities of the city of Maysville, the town of East Maysville, or of any town which may be hereafter incorporated on ground which said road passes over.

Capital stock & property not to be taxed by any town.

§ 15. That if any person shall willfully injure or destroy, or in any way obstruct a free passage on said road, by tearing up the planks, or throwing timber or other obstructions on the road, or injuring or obstructing, in like manner, any bridge or causeway which said company may cause to be constructed for said road, such offender, if a free man, shall be liable to a fine of not less than ten dollars nor more than twenty dollars for every such offense, to be recovered, in the name of the commonwealth, before any justice of the peace in Mason county, one half for the use of the informer, and the remainder for the benefit of the company, and to be collected in the same way and by like process with other fines and forfeitures to the commonwealth, as are now provided by law: and, moreover, the offender shall be liable to the company for any damage done, which may be sued for in the name of the company, and recovered before any court having cognizance by law of such cases; and upon the recovery by said company, in

Penalties for willful injury to the property of said company.

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such action, of any damages, they shall have a right to such process for the enforcement of such recoveries as are allowed by law for the collection of fines and forfeitures to the commonwealth. If the offender be a slave, then he shall receive, by order of the justice, not less than ten nor more than twenty lashes; and for a second offense of the same kind or nature, thirty-nine lashes.

Dividends to
be declared.

§ 16. That it shall be the duty of the president and directors to divide, among the shareholders, such net profits as may arise from the tolls, in such manner and at such times as they may provide by their by-laws: *Provided*, that should such net profits exceed fifteen per cent. on the cost of said road, the surplus shall be paid over to the Maysville cemetery company, for the purpose of beautifying the grounds of the cemetery.

Certain turn-
pike companies
permitted to
connect with
this road.

§ 17. That the Maysville and Lewis county turnpike company, and the Maysville and Orangeburg turnpike company, shall be and they are hereby authorized and permitted to connect with the terminus of this road at Bull creek; but the three several companies shall forever continue separate, independent, and distinct in their government, finances, and general operations.

Approved December 16, 1850.

CHAPTER 71.

AN ACT for the benefit of James G. Hatcher, committee of Luanna Branham, an idiot, of Floyd county.

Whereas, it has been represented to the general assembly, that James G. Hatcher, the former committee of Luanna Branham, an idiot, of Floyd county, has supported said idiot from the day of April last to the present time, and is now supporting her, and from the feeble condition of said idiot, at the last term of the Floyd circuit court, she could not be taken before said court, and the physicians, from a misunderstanding of the statute in such cases, failed to make the proper affidavit to enable said idiot to draw from the treasury the usual amount for her support. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor shall draw his warrant on the treasurer, in favor of James G. Hatcher, the former committee of Luanna Branham, an idiot, of Floyd county, for fifty dollars, for the support of said idiot for one year from the time said idiot drew her last allowance: *Provided, however*, that the Floyd circuit court, at the next spring term thereof, shall hear proof respecting said Luanna Branham, and, upon being satisfied therefrom, that she is then alive, and in the same state of mind and condition as is set forth in the inquisition by which she was ascertained to be an idiot, said court shall certify the same to the second au-

ditor; and the warrant provided for in this act, shall not be drawn upon the treasury until said certificate be produced to the second auditor and filed in his office: *And, provided further*, that in the event of the death of the said Luanna Branhams before the spring term of the Floyd circuit court, the time of her death shall be ascertained by said court, by competent proof, and the same, with the other facts respecting her mind and condition, as before set forth, shall, in like manner, be certified to the second auditor; whereupon he shall only draw his warrant on the treasurer, in favor of said committee, for the length of time said idiot remained alive from the date of the last allowance for her benefit, at the last spring term of the Floyd circuit court, at the rate of fifty dollars per annum.

1850.

Approved December 16, 1850.

CHAPTER 73.

AN ACT to repeal the 5th section of the act to amend the laws in relation to the city of Newport, approved March 6, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fifth section of an act, entitled, an act to amend the laws in relation to the city of Newport, approved March 6, 1850, be and the same is hereby repealed; and the sheriff of Campbell county is hereby directed and authorized to collect and account for, according to law, from each tithe in the city of Newport, (not exempt from paying poll tax by law,) the amount of capitation or poll tax levied by the Campbell county court, at their November term, 1849, and to account for the same at the same time and in the same manner as for the tax levied upon the remainder of the county of Campbell for the year 1850.

Approved December 16, 1850.

CHAPTER 74.

AN ACT for the benefit of East Maysville and Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of East Maysville be and they are hereby authorized to subscribe, in the name of said town, and for the use of the same, to the capital stock of the Maysville and Lexington railroad company, any amount of shares not exceeding two hundred and fifty.

Trustees of E. Maysville may subscribe stock in Maysville and Lexington railroad.

§ 2. That the board of trustees, previous to subscribing the stock aforesaid, shall cause a poll to be opened in said town, and a vote to be taken on the question for and against said subscription, notice of which election or vote shall be published in the newspapers printed in the city of Maysville, three weeks in succession, previous to holding the same.

Question to be voted upon.

1850.

If a majority
vote for said
subscription it
shall be made.

§ 3. If, at said election, a majority of all the qualified voters who vote at the same, shall be in favor of the subscription, it shall be the duty of the said trustees to make said subscription, through the president of the board, or some other trustee to be named in an ordinance for that purpose.

Further pro-
ceedings.

§ 4. That the said trustees, at the time of ordering said subscription, shall make an order of record, pledging the credit and faith of said town, as a corporation, to pay said stock to the railroad company, which may be done by the execution of the bonds of said town, payable, with interest at the rate of six per cent. per annum, to said railroad company; and the said board of trustees, in order to raise and pay the interest on said bonds, shall have power to levy a tax on the real and personal property in said town subject to taxation, which shall be collected in the same manner as other taxes are collected, and under the same penalties and forfeitures for non-payment.

Bonds of the
town to be ex-
ecuted.

Trustees may
levy tax to pay
interest on the
same.

Approved December 16, 1850.

CHAPTER 76.

AN ACT to amend the several acts incorporating the Versailles and Midway Turnpike Road Company.

First section
of act of 1848
amended.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first section of an act, entitled, an act to incorporate a turnpike road company from Versailles to Midway, approved February 26, 1848, be so amended and re-enacted as to read as follows: That a company shall be and is hereby incorporated for the purpose of constructing a turnpike road, commencing on the turnpike road from Versailles to Frankfort, on the south side of the gate on said road, and to terminate at or near the railroad in the town of Midway, and as at present located, whose capital stock shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and all subscriptions of stock heretofore made by individuals, by the trustees of the town of Midway, and by the county court of Woodford, shall be held and taken to be valid and binding, both upon the company and the persons subscribing the same.

Company in-
corporated.

Capital stock.

Former sub-
scription legal-
ized.

Stockholders
exempt from
working on dirt
road.

§ 2. That the seventh section of the before recited act be so amended and re-enacted as to read as follows: That stockholders in said road shall have exempted from work on dirt roads one hand for each share of stock they may own in said road.

May erect toll
gates & collect
tolls.

§ 3. That when the president and directors of said road shall have completed the whole, or part of said road, they are hereby authorized to establish toll gates, not to exceed two, on said road; one where it intersects the Versailles and Frankfort turnpike road, the other at any point said president and directors may designate outside of the town

limits of Midway, and exact tolls thereon in proportion to the rates fixed for five miles travel, as now established for the Frankfort, Lexington, and Versailles turnpike road company.

§ 4. That all publications, notices, and calls may be made in writing, instead of inserting them in a newspaper.

Approved December 16, 1850.

1850.

Rates of toll.

Notices may be in writing.

CHAPTER 77.

AN ACT for the benefit of the Pulaski county Seminary.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the Pulaski county seminary are authorized to sell and dispose of the buildings and grounds on which said seminary is now located, in the town of Somerset, in such manner as shall seem best to them; and to make to the purchaser or purchasers, a deed or deeds of conveyance, which shall have the effect to convey to the purchaser or purchasers, all the interest of said trustees in and to said property.

Trustees may sell the buildings & grounds and convey the same.

§ 2. That said trustees be and they are hereby authorized, with the proceeds of said sale, or a part thereof, to purchase another lot, with suitable buildings thereon; or to purchase a suitable lot of vacant ground, and to erect buildings thereon, suitable for a county seminary; and the residue, if any shall remain, to hold for the use of said seminary. The trustees shall take the title to such property as they may purchase under the provisions this act, to "the trustees of the Pulaski county seminary, and their successors in office," and they shall hold the same for the use and benefit of said seminary and for no other purpose; and they shall govern the same according to the laws now in force respecting county seminaries.

May invest the proceeds of said sale in other ground, & erect suitable buildings thereon.

How the deed is to be taken.

Approved December 16, 1850.

CHAPTER 78.

AN ACT to incorporate the Frankfort Female College.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jacob Swigert, David Thornton, George W. Craddock, Thomas Theobald, Richard Gillespie, Edmund H. Taylor, Joel Baker, John B. Lampton, William L. Callender, and J. V. B. Vanarsdale, trustees, and their successors in office, together with the principal of said school, be and they are hereby created a body politic and corporate, by the name and style of the trustees of the Frankfort female college, and by that title to have perpetual succession, with power to sue and be sued, plead and

Trustees incorporated.

Corporate powers.

1850.

be impleaded, to contract and be contracted with, to acquire, hold, and convey property, both real, personal, and mixed, and to have and use a common seal, or may act without it, and to perform all other acts which similar corporations may of right do.

Trustees may
choose officers,
& their powers.

§ 2. That the trustees incorporated by this act, at their first meeting after its passage, shall choose from their own body a president, treasurer, and secretary, and they shall have power to fill all vacancies occurring in their own body, or in said offices; and at all meetings of the board, a majority shall constitute a quorum to do business.

May appoint a
principal, pro-
fessors, &c.

§ 3. That the trustees shall have power to appoint a principal of said institution, and such professors and instructors as may, at any time, be necessary for the instruction of the pupils therein in the arts and sciences, and in all necessary useful and ornamental branches of a thorough and liberal education, such as are taught in the best female colleges or academies; and the said trustees shall have power to make such rules and regulations as they may deem expedient for the government and conduct of said institution; to prescribe such course of study and such mode of instruction therein as they may judge best; and to confer on those pupils whom they may deem worthy, all such honors and literary degrees as are usually conferred by the best female institutions.

May make
rules, &c.

Prescribe course
of studies.

Confer degrees

To appoint vis-
itors.

§ 4. It shall be the duty of said trustees to appoint visitors to said institution, whose duty it shall be to attend all public examinations of the students, and make report and publication thereof.

Approved December 16, 1851.

CHAPTER 79.

AN ACT for the benefit of school district, No. 8, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the superintendent of public instruction to receive the report of the trustees of school district No. 8, in Kenton county, for the year 1849, and that he report the same to the second auditor, whose duty it shall be to draw a warrant on the treasurer for the amount to which said district would have been entitled, had said report been made in 1849 according to law.

Approved December 16, 1850.

CHAPTER 80.

AN ACT to extend the limits of the town of Proctor, in Owsley county.

Limits extended
on the west.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the boundaries of the town of Proctor, in Owsley county, be so extended on the western

side as to include the following lines: beginning at the town limits near William Mize's residence; thence westwardly with the line between F. Montmollin and A. McGuire, senior, to the southwestern corner of the lot now occupied by James Hammons and Stephen Pebworth; thence northwardly to F. Montmollin's blacksmith's shop; thence eastwardly with the fence in front of the lot above mentioned to the branch in the easterd part of Montmollin's mill yard; thence with said branch northwardly to Kentucky river; thence with said river to the northwestern boundary of said town.

§ 2. That the boundaries of said town of Proctor be so extended on the eastern side as to include the following lines: beginning at the northeastern corner of B. and W. McGuire's lot; running thence with the ferry road to the South Fork of Kentucky river; thence up said river to the first drain; thence up said drain so as to make a straight line to the Boonville road, so as to include Samuel Weiler's improvement; thence with said road to the town limits.

§ 3. That the above described boundaries are hereby incorporated into the limits of said town of Proctor, and all the corporation laws and regulations thereof extended over the same.

1850.
Limits extended on the east.

Corporation laws extended over said boundaries.

Approved December 16, 1850.

CHAPTER 81.

AN ACT for the benefit of William A. Gorham.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be and he is hereby directed to issue his warrant on the treasury for thirty-five dollars and fifty cents, in favor of William A. Gorham, the amount of his bill for expenses incurred in the burial of Col. R. M. Johnson.

Approved December 16, 1850.

CHAPTER 82.

AN ACT for the benefit of William Fox.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Fox, late clerk of the Pulaski circuit and county courts, be and he is hereby allowed the further time of two years, from and after the passage of this act, within which to list for collection his fee bills, and distrain for the same, any law to the contrary notwithstanding: *Provided, however,* the said William Fox shall, in all other respects, be subject to the laws now in force in regard to the issuing and collecting of illegal fee bills.

Approved December 16, 1850.

1850.

CHAPTER 83.

AN ACT for the benefit of William Harman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be directed to issue his warrant on the treasurer, in favor of William Harman, for the sum of twenty dollars, being compensation to said Harman for conducting William Hardy, a lunatic, from Union county to the asylum at Lexington, by order of the Union circuit court, which sum shall be paid out of any money in the treasury not otherwise appropriated.

Approved December 16, 1850.

CHAPTER 84.

AN ACT for the benefit of Robert W. Walker, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Israel R. Dodge, guardian of Robert W. Walker, of the county of Hickman, to pay or deliver over to the said Robert W. Walker, any money or property in his hands as guardian, as aforesaid; and upon the receipt of any money or property, so paid or delivered to him, it shall and may be lawful for the said Robert W. Walker to execute and deliver to the said Israel R. Dodge, as guardian as aforesaid, a receipt for the same, which receipt, when so executed and delivered, shall be as binding and obligatory upon him, the said Robert W. Walker, as if executed by him when of full age.

Approved December 16, 1850.

CHAPTER 85.

AN ACT giving the Warren County Court jurisdiction over that portion of the Salt River Road within the limits of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, it shall be lawful for the Warren county court, a majority of all its members being present and concurring therein, to change any portion of the Salt river road, within the limits of Warren county; and in making such change or changes, they shall be governed by all the laws now in force upon the subject of changing public roads over which the county courts have control.

Approved December 16, 1850.

CHAPTER 86.

AN ACT for the benefit of William Milbourne, Jailer of Marion county.

Whereas, it is represented to the present general assembly, that William Milbourne, jailer of Marion county, in

1850.

the summer of the present year, received into the jail of said county, by order of two justices of the peace, James Ruley, and Pius Cooper a free person of color, upon a charge of felony, and that said Ruley remained in said jail sixty-six days, and said Cooper thirty-three days, until the 13th day of August last, when they broke said jail and escaped therefrom to parts unknown; and whereas, at the August term of the chancery court, of the present year, held for said county of Marion, said Milbourne presented to the judge of said court his account against the commonwealth for receiving into the jail aforesaid, and dieting the said Ruley and Cooper the time above stated, amounting to thirty-seven dollars and ninety-four cents, and said judge refused to certify and allow said account, or any part thereof, by reason of which said Milbourne has not received the amount of his said account. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Milbourne, jailer of Marion county, be and he is hereby allowed the sum of thirty-seven dollars and ninety-four cents, the amount of his claim for receiving and dieting James Ruley and Pius Cooper, committed to said jail under a charge of felony, for the time specified in the preamble to this act; and the second auditor of public accounts is hereby directed to issue to said Milbourne his warrant on the treasury for the same.

Approved Décembre 16, 1850.

CHAPTER 87.

AN ACT to incorporate the Deposit Bank of Covington.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established the "Deposit Bank of Covington," with a capital of fifty thousand dollars, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style aforesaid, and shall so continue a body politic and corporate, until the first day of June, 1880; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, (provided the value thereof shall not exceed ten thousand dollars,) or which may be conveyed to

Bank established.

Corporate powers.

1850.

May enact by laws, &c.

Business of the bank.

Not to owe more than twice amount of capital paid in.

said institution as surety for any debt, or which may be received in discharge of any debt or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; and said institution may have and use a common seal—change, alter, and renew the same at pleasure—and may ordain and put in execution such by-laws, rules, and regulations for the government of the same as may deemed necessary: *Provided*, they be not contrary to the constitution and laws of this state, or the United States.

§ 2. That the business of the institution shall be, to receive money on deposit, upon which it shall pay an interest to the depositor of not more than six per cent., nor less than two per cent. per annum, as it may chose, dependent upon the length of time for which said deposit may be made; to loan money, discount promissory notes and bills of exchange; the promissory notes made payable to any person or persons, or order, or payable to this institution or order, and negotiable and payable at their banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had, jointly and severally, against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes; and the said institution shall not, directly or indirectly, deal or trade in any thing except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattles, rights and credits, really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

§ 3. The institution shall not at any time owe, either by bond, bill, note, or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposit; and, in cases of excess, the president and directors under whose administration it shall have taken place, shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, that if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or dissent there-

of, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county, and, moreover, within ten days give notice thereof in some newspaper printed in Covington, and transmit a copy thereof to the governor of this state; and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

§ 4. Said institution shall not, at any time, fail or refuse to pay its deposits in gold or silver, or currency of the like kind and value of that deposited; and, in case the officers, in the usual business hours at their banking house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages, at the rate of twelve per cent. per annum, on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same shall be forfeited, and a *scire facias* shall be sued out in the name of the commonwealth, by the attorney general, and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said institution from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contract that may be convenient and proper for that purpose.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of the said institution shall be under the direction and control of five directors, who shall be stockholders, and after the first election shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and after the first election they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right. They shall hold their offices for one year, and until their successors shall be chosen. All elections, after the first, shall be conducted by two at least of the stockholders, acting under oath, appointed by the directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public after they are taken. No director or officer of any bank shall be eligible as a director in this institution, and any director becoming a director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a director in a bank, be eligible as directors in this institution, at one and

Penalty for
failing to redeem
its deposits.

Proceedings
thereon.

Business to be
conducted by
five directors.

Elections, when
to be held.

Liabilities of
directors.

1850.

the same time; and if the president or any director or officer of the institution shall fail or become insolvent after his election or appointment, he shall become incapable to serve, and shall be held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business be eligible to the office of president, director, or other officer, until all his debts are paid, or he be fully discharged therefrom. If, from any cause, an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday in June following; and said election shall be conducted as required in the regular elections.

Right of voting regulated.

§ 6. That at all meetings of the stockholders, and at all elections under this charter, each shareholder shall be entitled to one vote for every share held in his own right, up to ten; one vote for every five shares over ten, up to fifty, and one vote for every ten shares over fifty. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote, at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy; such proxy being granted to a stockholder who is not either president, director, or other officer in the same; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

President, how to be elected.

§ 7. That the directors shall elect one of their own number as president, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the directors shall elect a president, *pro tem*. They shall fill all vacancies which may occur in their own body, and appoint such officers, clerks, and servants as deemed expedient; fix their compensation, define their powers and prescribe their duties, and shall require of them such bonds, penalties, and securities as deemed requisite for the security of the institution; which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss; and all such officers shall hold their places during the pleasure of the board.

Directors may pass by-laws.

§ 8. The president and directors (any three of whom may constitute a quorum for the transaction of business,) may, from time to time, make such by-laws, rules, and regulations for the government of the institution as deemed expedient, not contrary to the provisions of this charter, or the by-laws and rules which the stockholders at their annual or other meetings may, from time to time, prescribe: *Provided*, that, for that purpose, a concurrence of a majority of all the directors shall be necessary.

§ 9. The president and directors shall hold stated meetings at least once a week, and called meetings may be had whenever deemed necessary. All questions before the board shall be taken *viva voce*; and the yeas and nays on any proposition submitted shall be entered of record, at the request of any two members; and no vote shall be reconsidered when a less number is present than when the vote was given.

1850.
Meetings of
the board.

§ 10. It shall be the duty of the president, on the first day of July, 1851, and on the first day of July in each succeeding year, to pay to the treasury of this state twenty-five cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus: *Provided*, that the legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said institution.

Stock to pay
tax to the state.

§ 11. That it shall be the duty of the president and directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash accounts of the institution, and a full and complete statement shall be made out and entered on the journal of the proceedings of the board.

Cash to be ex-
amined.

§ 12. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the president and directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise.

Officers not to
engage in other
business.

§ 13. That if the cashier, clerks, teller, agent, or other officer shall, without the authority of the president and directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the books of the institution, with intent to cheat or defraud the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period of not less than two nor more than twenty years.

Penalty on an
officer for mis-
applying the
funds.

§ 14. The president and directors shall keep a record of their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to inspection by the governor, or by any person duly authorized by him, or to any committee appointed by the legislature.

Record of pro-
ceedings to be
kept.

§ 15. It shall be the duty of the president and directors, during the first week of each session of the legislature, to transmit to the secretary of state an accurate and just

To make an-
nual return to
the general as-
sembly.

1850.

statement of the condition of the institution; which statement shall specify the amount of the stock actually paid in, and the amount not paid in, and the value of the real estate belonging thereto, and its cost; the total amount of debts due to and from the institution; the amount of gold and silver, and other coined metal and bullion on hand; the amount deposited; the amount of bills of banks; the amount of notes and bills of exchange due the same; the rate and amount of each dividend of profits, with the amount of surplus profits or contingent fund; which statement the governor shall cause to be laid before the legislature; and they shall, when required by the legislature, report all bad and doubtful debts.

Directors and officers to take an oath.

§ 16. The president, cashier, and other officers, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

Rate of interest.

§ 17. This institution shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum for the loan or use of money; and interest on promissory notes, negotiable and payable at the same and there discounted, shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's tables of discount and interest.

Certificates of stock to be issued.

§ 18. The president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall, by their by-laws, prescribe; certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable, when made payable to order.

General meeting of the stockholders.

§ 19. The general meeting of the stockholders shall be held annually on the first Monday in May in each year, in the city of Covington, at the time of the annual election, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called as provided in this charter, or by the president and directors when they deem it desirable, or by any number of the stockholders the by-laws shall require.

General assembly may investigate its affairs.

§ 20. The legislature shall have the right to investigate the situation and affairs of said institution, by any committee they may appoint for that purpose; and the general court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the

same. The proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the attorney general, when directed to do so by the legislature.

1850.

§ 21. That J. T. Morehead, P. S. Bush, R. P. B. Caldwell, John D. McGill, John Chowning, John W. Clayton, James Semple, Henry M. Buckner, M. J. Dudley, and B. W. Foley, are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the election of the first board of directors, any three of whom shall be competent to exercise the powers and perform the duties required by this section.

Commissioners
to open books.

§ 22. The said commissioners shall have power—and they are authorized and required, on the second Monday in April next, or at such other time within two years thereafter as they shall deem expedient, having given not less than thirty days' notice thereof in some newspaper printed in Covington—to open books for the subscription of the capital stock of said institution at Covington, and such other places as they may deem advisable, and cause said books to be kept open from 10 o'clock, a. m., until 2 o'clock, p. m., for at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

Their powers
and duties.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days' notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken; and the president and directors may require such premium on the stock sold at the re-opening of the books as they shall deem right; and such premium shall be the property of the institution.

Books may be
re opened if all
the stock be not
taken.

§ 24. That when no less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Covington for the election of the first board of directors, who shall hold their offices until the succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath

When direct-
ors may be elect-
ed.

1850.

and perform all the duties of inspectors of elections in like cases.

How stock
shall be paid.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations, shall be made in gold and silver, or notes of either of the banks or branch banks in this state, and at the times and in the manner following, to-wit: five dollars on each share, to the commissioners at the time of subscribing, and five dollars on each share, within ten days after the election of the first board of directors, and five dollars every sixty days thereafter, until the whole amount of said stock is paid: *Provided*, that the board shall have power to prolong the time for the payment of each installment after one half of the amount of each share shall have been paid.

How stock may
be forfeited.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock as herein provided, the president and directors, first giving public notice in two or more newspapers for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed at such time as they may deem expedient to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the institution.

When the bank
may commence
business.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in by individuals, companies, or corporations, as heretofore required, the president and directors shall cause the governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the president and at least two of the directors, that the same has been paid in as capital stock, *bona fide*, and make due return thereof to him; and, on such appearing to be the fact, the governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done; and the said institution is then hereby authorized to commence operations.

Limitation to
subscriptions of
stock.

§ 28. That no one individual, company, or corporation, shall be allowed to hold more than one hundred shares of the capital stock of this institution, either in their own names or in the names of others, in order to transfer them; and all stock that any individual, company, or corporation shall take or hold contrary to this provision, shall be forfeited to the institution for the benefit of the other stockholders; and no individual, company, or corporation shall be allowed, in person or by proxy, to vote at the first election of directors, on any stock which may stand in his, her or their names, without first making oath that the stock *bona fide* belongs to them, and is not held in trust for others.

No director to
become security.

§ 29. That it shall not be lawful for the president or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institu-

tion; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars, to be recovered by action of debt in the name of the corporation, for its own use and benefit.

§ 30. That said institution shall not make any loan of money, or discount any note or bill in any case whatever, for the purpose of enabling any individual to make payment for its own stock; and no stockholder shall be allowed to pay any debt he may owe the same, by the surrender of stock; and stockholders who shall become indebted to the institution, shall be compelled to pay their debts in all respects as other persons dealing with the same; nor shall any stockholder be allowed to make payment of the shares of stock held by him or them, by means of loan or loans obtained from the institution.

No loans to be made for stock

§ 31. That the real estate purchased by this institution, or the legal title of which shall be acquired in any way, (except such as may be held for the purposes mentioned in the first section of this act,) shall be sold within five years after it shall have perfected its title thereto; and on their failure to comply with the provisions of this section, the same shall vest in the commonwealth.

Real estate acquired to be sold within 5 years.

§ 32. That it shall not be lawful for said institution to issue any note or bill to be passed and used as currency; and if it shall so presume to do, the charter shall be forfeited, as provided in the fourth section of this act.

No note to be issued as currency.

Approved December 16, 1850.

CHAPTER 88.

AN ACT for the benefit of Edward Artsman, of Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Edward Artsman, of the county of Bracken, to keep his mill dam across the north fork of Licking river at its present height, the navigation of said stream not being impeded thereby.

Approved December 18, 1850.

CHAPTER 89.

AN ACT for the benefit of the Town of Ghent, in Carroll county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the trustees of the town of Ghent, in Carroll county, to convey, by deed, to Robert Pattison, lot number sixty-four, in said town; and, also, to convey to Watty C. Farris lot number sixty-five, in said town, or so much of said lot as said Farris now has title to and possession of.

§ 2. That it shall be lawful for the trustees to receive and hold, for the benefit of said town, title to lots number

1850. forty-four and forty-five, and a small part of lot number sixty-five.

Approved December 18, 1850.

CHAPTER 90.

AN ACT for the benefit of Col. Edward Brooks, of the State of Michigan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be directed, whenever applied to for that purpose, to draw his warrant on the treasurer of this commonwealth, in favor of Col. Edward Brooks, of Michigan, for the sum of one hundred and five dollars and fifty cents, that being the amount of his claim against this commonwealth for services rendered, and money expended by him, in conveying from the city of Monroe, Michigan, to the city of Covington, Kentucky, the remains of about fifteen persons, which were exhumed in improving and excavating a street in said city of Monroe, and which were ascertained, by satisfactory evidence, to be the bones of Kentucky soldiers who perished on the banks of the river Raisin, in the bloody battles of the 18th and 22d days of January, 1813.

Approved December 18, 1850.

CHAPTER 91.

AN ACT fixing the time for holding the charter election for the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election for mayor and other officers of the city of Covington, specified in the charter of said city, shall be held on the first Saturday in January, 1851. And at the same time each year thereafter, until otherwise provided by law.

Approved December 18, 1850.

CHAPTER 92.

AN ACT to establish a ferry across the Ohio river at Milton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a ferry from Milton, in the county of Trimble, across the Ohio river, is hereby given to John M. Abbott, to be located on his land opposite lot No. 1, in said town; that before said Abbott shall exercise said privilege, he shall cause a safe and convenient landing place to be made on said land, and shall furnish a good and substantial steam ferry boat for use at said ferry. He shall give bond, with freehold security, to be approved by the county court or probate judge of said county, as required by the

several laws regulating ferries on the Ohio river; and he shall be subject to all laws, and liable to all penalties that now are, or may hereafter be prescribed for those owning ferries across the Ohio river; and shall receive the same remuneration, for transporting persons and property, as is allowed at other ferries crossing from or to Madison, Indiana; and if the conditions herein required are not complied with by said Abbott within twelve months from the approval hereof, then the grant of the ferry privilege herein shall be null and void.

Approved December 18, 1850.

CHAPTER 93.

AN ACT to establish a Police Court in the town of Hardinsburg.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established, in the town of Hardinsburg, in Breckinridge county, a police court; and a police judge for said town shall be elected by the qualified voters of said town; and he shall take an oath, before some justice of the peace, faithfully and impartially, to the best of his ability, to discharge the duties of his office.

§ 2. The said police judge shall have jurisdiction, within said town and one-half mile thereof, of civil causes, to the same extent that justices of the peace now have or may hereafter have in this state; and shall have the same jurisdiction of crimes and misdemeanors committed within Breckinridge county as two justices of the peace now have; and shall have full jurisdiction, within said town, of all the offenses against the by-laws and ordinances of said town; and shall have power to enter judgments, and issue executions for all fines and penalties for such offenses. He shall have power to grant attachments and injunctions, and writs of *ne exeat*, to the same extent as the justices of the peace selected by the county courts now have. It shall be the duty of said police judge to keep a record of his proceedings, copies of which shall be evidence, to the same extent and for the same purpose that copies of the records of justices of the peace now are. He shall have power to issue subpoenas for witnesses and other process, to compel attendance of witnesses before him, and to punish all contempts against his authority, by fines, not exceeding five dollars in each case, and by imprisonment, not exceeding six hours. He shall have power to order the marshal or other officer to summon a jury in cases cognizable before him, where a jury is required by law. He shall have power to take and certify depositions, as justices of the peace now have, which shall be allowed to be read as depositions are now allowed to be read which are taken before and

1850.

certified by justices of the peace. He shall be entitled to the following fees, viz: For a peace warrant, fifty cents; for a warrant in cases of riot, rout, or unlawful assembly, or breach of the peace, fifty cents; for a warrant for a violation of any by-law or ordinance of said town, where the trustees of the town are plaintiffs, twenty-five cents; for swearing a jury and presiding over a trial, fifty cents; for subpoenas, twelve and a half cents, each; for original judgment in all civil cases, twenty-five cents. All other fees shall be the same as those of justices of the peace for like services, and shall have power to collect in the same way. He shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, clerks, and other officers of said town, for all sums of money received and paid out by them, whenever required by any one to take cognizance thereof.

§ 3. Appeals from all judgments rendered by said police judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from judgments of justices of the peace.

§ 4. Said police judge shall be elected at the same time with the presiding judge of the county court, and shall hold his office for the same term. A marshal shall also be elected by the qualified voters of said town at the same time with the sheriff, and shall hold his office for the same term.

Approved December 18, 1850.

CHAPTER 94.

AN ACT for the benefit of the city of Lexington.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, approved the 24th day of January, 1850, entitled, "an act to amend the charter of the city of Lexington," be and the same is hereby so amended as to require the mayor and council of the city of Lexington to pay, during the present year, only the sum of three thousand dollars of the city debt, therein referred to.

§ 2. The said mayor and council of the city of Lexington are furthermore hereby required to pay, during the ensuing year, only the sum of five thousand dollars of the same debt: *Provided*, that nothing herein contained shall be construed to prevent any of the creditors of said city from collecting their respective debts, as they might do if this act had not passed.

Approved December 18, 1850.

CHAPTER 95.

1850.

AN ACT to amend the charter of the Ghent and Eagle Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the president of the Ghent and Eagle creek turnpike road company be authorized to call the stockholders of said company together, to elect directors to fill vacancies which have occurred, or may hereafter occur, by death, resignation, or refusal to act, or otherwise, by giving ten days' notice thereof.

Approved December 18, 1850.

CHAPTER 96.

AN ACT to incorporate the Maysville and Big Sandy Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all persons who shall become stockholders, pursuant to this act, in the company hereby authorized, shall be and are made a body corporate, with perpetual succession, and all powers incident to such a corporation, in law, with powers to sue and be sued, to contract and be contracted with, to have and use a corporate seal, under the name of the "Maysville and Big Sandy railroad company," for the object and purpose, and with full power to construct and maintain a railroad, with all such appendages, fixtures, buildings, and machinery as may be deemed necessary for the use of the same; commencing at or near the said city of Maysville, in Kentucky; thence to the Big Sandy river by such route as may be found practicable, and means raised to construct the same.

Name and style.

§ 2. The capital stock of said company shall be one million of dollars, to be increased, if necessary, to complete or furnish the road with lands, depots, sites, machinery, cars, or other necessary appendages or equipments, to make or carry on the business of said company; said stock to be divided into shares of fifty dollars each, and shall be considered personal property.

Capital stock.

§ 3. That Thomas Y. Payne, Thomas B. Stevenson, Charles B. Coons, A. M. January, and James B. Robinson, of Mason county; Samuel Stevenson, T. J. Walker, Wm. Ireland, and R. Robb, of Lewis county; Charles M. Wilson, John C. Kouns, William Corum, and George Darlington, of Greenup county, shall be commissioners, with power to open books and receive subscriptions of stock in this corporation; and they, or any three of them, may appoint the time and places of opening said books, giving three weeks' notice of such times and places, by written notice set up on the door of each house where such books may be opened, and also printed in some newspaper in general circulation in the several counties aforesaid.

Commissioners.

Notice of time & place of opening books to be given

1850.

Election for officers, when, and how conducted.

The term of office of president and directors.

Powers and privileges.

Mason, Lewis, and Greenup counties may subscribe stock.

Vote of each county to be taken before subscribing

§ 4. As soon as one hundred thousand dollars shall have been subscribed to said capital stock, the said commissioners shall advertise an election for a president and five directors to manage the affairs of said company, and, at such election, two of said commissioners shall attend and conduct the same, and each stockholder shall, at such election, have one vote for each share of stock he or she may hold, and may vote by proxy; and the persons having the highest number of votes shall be declared elected, notified thereof, and they shall take an oath, before some justice of the peace, faithfully to discharge the duties of their station, severally. The president and directors shall hold their offices for one year, and until others are elected and qualified; and shall have power to fill all vacancies in their board, to appoint a treasurer, secretary, and other agents, engineers, servants, or laborers, necessary to carry out and effect the object of this act.

§ 5. That the president and directors shall, in order to enable them to locate, construct, and finish and furnish such railroad, and manage the same after the same is constructed, shall have, and they and their successors are hereby invested with all the powers, rights, and privileges granted to the Maysville and Lexington railroad company in the act incorporating said company, approved March 4, 1850; and they shall, in all things appertaining to the survey, location, ascertaining the damages for lands, or materials used, releases of right of way, the declaring dividends, rates of toll, and all other general provisions of said act, be regulated and governed by the same.

§ 6. That the counties of Mason, Lewis, and Greenup shall have power to subscribe stock in the said railroad company, as, also, any corporate town in either of said counties, to any amount which may be authorized by a majority of the voters of said counties or towns voting on such proposition as may be submitted by authority of the directors of said railroad company; and the directors of said railroad company are hereby authorized, at any time, after giving thirty days' notice first posted at the court house door or other public places in said counties or towns, and published in any newspaper in general circulation therein, to take the vote of the citizens thereof on any proposition submitted by them for the subscription of stock in said railroad company, either on the plan of a tax for such purpose, assessed on the taxable property of the county or town, to raise the sum required, or to raise money to pay interest on the bonds of said county or town, executed in aid of said railroad, or to guaranty the bonds of said railroad company; and the officers empowered by the general laws of this state, shall take such vote in the same manner and under such regulations as the laws prescribe in relation to other elections.

Approved December 18, 1850.

CHAPTER 97.

1850.

AN ACT to incorporate the town of Hardinsville, in Shelby county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the clerk of the Shelby county court be and he is hereby directed to record the plan of the town of Hardinsville, when presented to him by the trustees thereof, hereinafter appointed.

Plan of town to be recorded.

§ 2. That when said plan shall have been recorded, the boundary laid down therein shall be known by the name and style of the town of Hardinsville.

Boundaries adopted.

§ 3. That Robert E. Finnell, Richard Pemberton, Abel Jenkins, Joseph Boyce, and James Darlington are hereby appointed trustees, who shall continue in office until the first Saturday in August, 1851, and until their successors are duly elected; and at the expiration of their term, it shall be lawful for the citizens of said town, under the superintendence of the trustees, or a majority of them, whose duty it shall be to give ten days' notice of the time and place, to elect five trustees for said town, who shall remain in office one year.

Trustees appointed.

Election of trustees.

§ 4. That an election for trustees shall be held on the first Saturday in August, in every year; and when a vacancy may occur from any cause, the board of trustees shall have power to fill the same until the next annual election.

Future elections of trustees.

§ 5. That every free white male person of the age of twenty-one years, being an actual resident of said town, or holding title to real estate therein, shall be entitled to vote for trustees.

Who may vote at said elections

§ 6. That the trustees shall have power to make rules and enact such by-laws for the government of said town as they may deem necessary, provided they are not contrary to the constitution and laws of this state; said trustees shall have power to inflict a fine of not exceeding five dollars, for every breach of their by-laws, to be sued for and recovered in their name before any justice of the peace in Shelby county, and to be applied by them to the use of the town.

May enact by-laws, &c.

May inflict a fine for violations of same.

§ 7. That the board of trustees shall have power to levy a tax upon all shows and exhibitions in said town, or within one quarter of a mile of the limits thereof, in every direction, not exceeding ten dollars for every twenty-four hours such show or exhibition shall remain or be kept open in said town, or within the limits aforesaid.

May tax shows.

§ 8. That the board of trustees may appoint a clerk and treasurer; and it shall be the duty of the clerk to keep a fair record of all the proceedings of the board, which shall be open for the inspection of any person desirous of seeing the same, and the board may make a reasonable allowance to him for his services, out of any funds which may come into their hands under the provisions of this charter.

May appoint a clerk & treasurer.

1850.

§ 9. That the treasurer shall receive all moneys collected, and pay the same to the order of the board; and he shall give bond and surety for the faithful performance of the duties required of him. A majority of the board shall constitute a quorum for the transaction of business.

§ 10. That all acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed.

Approved December 18, 1850.

CHAPTER 98.

AN ACT to incorporate Tompkins Lodge, No. 178.

Members in-
corporated.

Corporate
powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Tompkins lodge, No. 178, of free and accepted masons, of Edmonton, be and they are hereby created a body politic and corporate, by the name and style of Tompkins lodge, No. 178, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances, and sell, dispose of, and convey all such real and personal estate as they now have, or may hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed five thousand dollars.

Master and
Wardens to
manage its con-
cerns.

§ 2. That the management of the prudential and fiscal concerns of said corporation shall be and is hereby confided to James F. Keel, John P. Monroe, and Robert S. Dougherty, the master and wardens of said lodge, and their successors in office, as trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to the real and personal estate, in any respect, either in purchasing, building, or renting, or for any other purpose, which shall be binding and obligatory upon said lodge, when made in pursuance of the rules, by-laws, and instructions of said lodge; and likewise, by and with the consent of said lodge, said master and wardens, or their successors in office, as trustees as aforesaid, for the time being, may sell and convey any of the real or personal estate of said lodge; and service of process or notice upon any of said trustees shall be sufficient notice to said corporation.

How process
may be served.

Lodge may en-
act by-laws, &c.

§ 3. That said lodge may, at any time, pass such by-laws, rules, and regulations, for the government, management, and safe-keeping of the property of said lodge, as may be necessary, not inconsistent with the constitution and laws of this state; and any money recovered for any trespass or injury done or committed on or to the property aforesaid, shall be for the use and benefit of said lodge, and shall be so applied.

§ 4. That the general assembly hereby reserves to itself the right to change, alter or modify this act, and the powers hereby granted, at pleasure. 1850.
Power reserved.

Approved December 18, 1850.

CHAPTER 99.

AN ACT for the benefit of William Burke, a Justice of the Peace of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the secretary of state to furnish to William Burke, a justice of the peace in and for Marion county, a copy of Morehead and Brown's Digest; and that the second auditor be and he is hereby directed, when said books are furnished, to issue his warrant on the treasurer for the cost of the same.

Approved December 18, 1850.

CHAPTER 100.

AN ACT for the benefit of Charles Rice, of Carter county.

Whereas, it is represented to this general assembly, that Charles Rice was the deputy of Peter Mock, Sheriff of Carter county for 1840 and 1841; and of Robert Henderson, sheriff of said county for 1842 and 1843; and of Campbell Rice, sheriff of said county for 1844, 1845, and part of 1846; and that said Charles Rice has failed to collect, within the time allowed by law, certain fee bills due and owing him, as deputy aforesaid, and has also paid for various persons taxes for said years, which have not been paid to him. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of eighteen months is given, from and after the passage of this act, in which the said Charles Rice may collect any and all of said fee bills and taxes, by distress, as if the same were legally listed for collection the year they were, by existing laws, made collectable by distress.

§ 2. That the said Charles Rice shall not collect the same himself, but shall list them with an officer legally authorized to distrain in the collection thereof: *Provided*, said Charles Rice shall be liable for all illegal fee bills so collected, in the same manner sheriffs are now liable for illegal fee bills collected in the year they were legally due.

Approved December 18, 1850.

1850.

CHAPTER 101.

AN ACT to incorporate the German Roman Catholic St. Alphonsus Leibisbund Benevolent Society, of Louisville.

Members
incorporated.

Corporate
powers.

May enact by-
laws, &c.

May elect man-
agers, &c.

May hold real
estate.

Power reserved.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of the German Roman Catholic St. Alphonsus Leibisbund benevolent society, of Louisville, and their successors and associates, are hereby created a body politic and corporate, in the name and style aforesaid, with authority to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; and to have and use a common seal, with power to alter or change the same at pleasure; and to ordain such by-laws, rules, and regulations for the government of said company as may be desired, not inconsistent with the constitution and laws of the United States and of this state.

§ 2. The society shall have the right, from time to time, the same being fixed by the by-laws, to elect a president and board of managers, and such other officers of the society as shall be deemed necessary and proper.

§ 3. The society shall have the right to acquire, by purchase, gift, devise, or otherwise, both real and personal estate to an amount the annual proceeds whereof shall not exceed ten thousand dollars: *Provided*, that the provisions of this charter are granted for charitable and benevolent purposes alone.

§ 4. The general assembly hereby reserves the right to change, alter, amend, or repeal this act at pleasure.

Approved December 18, 1850.

CHAPTER 102.

AN ACT to incorporate Moore Lodge, No. 96, of Free and Accepted Masons.

Members
incorporated.

Powers of the
corporation.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Moore lodge, No. 96, of free and accepted masons, of Columbia, be and they are hereby created a body politic and corporate, by the name and style of Moore lodge, No. 96, with perpetual succession, and, by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances, to sell, convey and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars: *and provided, also*, the officers of said lodge may, at the discretion of the same,

be required to give bonds, in proper penalties, to the lodge, to make true account of such sums of money of said lodge as may come into their hands.

1850.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Joseph Z. Wheat, William O. Murrell, and Timoleon Cravens, master and wardens of said lodge, and their successors in office, trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to the real or personal estate, in any respect, either purchasing, building, renting, or for any other purpose, which shall be binding upon said lodge, when made in pursuance of the rules and by-laws of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

Master and wardens to manage its concerns.

How process to be served.

§ 3. That said lodge may, at any time, pass such by-laws, rules, and regulations, not inconsistent with the laws and constitution of this state, as may be necessary for the protection, management, and safe keeping of the property of said lodge; and any money recovered for any trespass or injury done to the property aforesaid, shall be for the use and benefit of said lodge, and shall be so applied.

May enact by-laws, &c.

§ 4. That the object of this corporation is to enable said lodge to hold and manage the property thereof; and this act, and the powers hereby granted, shall not be employed for any other purpose.

Objects of this act.

§ 5. The general assembly hereby reserves the right to change, alter or amend this act at pleasure.

Power reserved.

Approved December 20, 1850.

CHAPTER 103.

AN ACT to repeal the 3d section of the act to amend the laws relating to the town of Frankfort, approved February 21, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of the act, entitled, an act to amend the laws relating to the town of Frankfort, approved February 21, 1849, be and the same is hereby repealed; and the councilmen authorized to be elected by said act, shall be elected at the same time and in the same manner as trustees of said town were authorized to be elected by the laws in force prior to the passage of said act.

Approved December 20, 1850.

CHAPTER 104.

AN ACT for the benefit of A. G. Hodges and Tho. S. Page.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of thirty-one dollars and twenty-five cents be paid to A. G. Hodges and Thos S. Page,

1850.

out of any moneys in the treasury not otherwise appropriated, being the amount paid by them to Charles G. Morris for carrying a dispatch from the governor to Letcher county for the commissioners' books for the year 1850.

Approved December 21, 1850.

CHAPTER 106.

AN ACT to incorporate McKee Lodge, No. 144, of Free and Accepted Masons.

Members in-
corporated.

Corporate
powers.

Who to control
said corporation

How process
to be served.

May enact by-
laws, &c.

Objects of this
act.

Power reserved.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of McKee lodge, No. 144, of free and accepted masons, of London, be and they are hereby created a body politic and corporate, by the name and style of McKee lodge, No. 144, with perpetual succession, and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances; to sell, convey and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby committed to J. V. L. McKee, John Pitman, and R. Ohler, master and wardens of said lodge, and their successors in office, as trustees, who, or a majority of whom, shall have full power to make all contracts pertaining to the real and personal estate, in every respect, either in purchasing, building, renting, or in any other way, which shall be binding and obligatory upon said lodge, when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

§ 3. That said lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection, management, and safe keeping of the property of said lodge; and any moneys recovered for any trespass or injury done or committed on or to the property aforesaid, shall be for the use and benefit of said lodge, and shall be so applied.

§ 4. That the object of this act is only to enable said lodge to hold and manage its property, and the powers hereby granted shall not be employed for any other purpose; and the general assembly hereby reserves the right to change, alter or amend the same at pleasure.

Approved December 21, 1850.

CHAPTER 107.

1850.

AN ACT to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Lexington.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the county of Fayette as is contained within the following bounds, to-wit: one mile from the court house in every direction, shall be and hereby is declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of the "city of Lexington," and as such, by that name, shall be capable, in law, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

Boundary defined.

Corporate powers.

§ 2. That the fiscal, prudential, and municipal concerns of the said city, with the government and control thereof, shall be vested in one principal officer, to be called the mayor, and one city council, consisting of twelve persons, to be denominated the board of councilmen, who shall be elected on the first Saturday in January next, in the way they have heretofore been elected; and the councilmen shall hold their offices for one year, and until their successors shall be duly elected and qualified; and the mayor shall hold his office for one year, and until his successor shall be so elected and qualified; all of whom shall have resided in said city two years next preceding the election, and be citizens of this state.

Mayor and council to be appointed; how, & term of office.

§ 3. That it shall be the duty of the mayor and councilmen, that shall be first elected under this act, to lay off the said city into four wards, for the purposes herein named, as nearly equal as possible as to number of inhabitants, improvements, and permanent boundaries, each of which wards is to be entitled to elect three councilmen, to be members of the board of councilmen; and it shall be the duty of the said mayor and councilmen, from time to time, to alter the boundaries of the wards so as to equalize the number of inhabitants in each as nigh as may be; but such alteration shall not be made except on a general census of all the inhabitants being previously taken.

City to be laid off into wards.

§ 4. That on the first Saturday in January, in each year succeeding the first election, the free white male inhabitants, over twenty-one years of age, of said city, who at the time being are citizens of the state of Kentucky and inhabitants of said city, and have either paid their poll tax to said city for the year next preceding the election at which they claim to vote, or have arrived at the age of twenty-one years since the last assessment of tax, and who shall have, *bona fide*, resided therein for the space of six calendar months previous to said election, shall meet in the

When elections to be held, qualifications of voters.

1850.

List of voters to
be made out, &c.

wards in which they respectively reside, and vote for the councilman or councilmen, and night watchman or night watchmen such ward shall be entitled to elect, and for a mayor, city attorney, treasurer, principal assessor, and captain of the nightwatch; and it shall be the duty of the mayor and councilmen, previously elected, to cause an alphabetical list of the qualified voters in each ward to be made out ten days before the first Saturday in January, in each year, and to appoint three suitable persons, in each ward, as inspectors of the election, and to furnish them with a list of voters, and a warrant directing them, or a majority of them, to hold the election in the same manner as other elections are held in this state; notice of the time and place of holding the elections, in the respective wards, shall be published in one or more of the public newspapers printed in said city, with the names of the ward inspectors. The election shall be held during the same hours, to be directed by the mayor and councilmen, in all the wards. The said inspectors shall exhibit, to all persons claiming the same, the list of the qualified voters, respectively; and on closing the polls at the hour mentioned in their warrant, they shall declare the same, and the three persons having the highest number of qualified votes shall be declared as duly elected councilmen, in each ward. The vote given for mayor shall be added up by the inspectors, and returned by them to the clerk of the board of mayor and councilmen, with the list of the polls of councilmen; which list shall be certified by a majority of said inspectors, and sworn to as just and true returns of the election, which oath shall be administered by the mayor, or any justice of the peace. The return of the votes, so made, shall be received by the said clerk, and duly recorded in a book to be kept for that purpose. And it shall be the duty of the mayor and councilmen to add up the votes from the several wards for mayor, and the person having the highest number of votes shall be declared to be duly elected as mayor of said city, for one year from the time of his election, and until a successor shall be so elected and sworn into office; and the mayor and councilmen, thus elected, shall be notified immediately of the same by the clerk of the city then in office.

How and to
whom returns
of elections to
be made.

Who may vote
upon certain
conditions.

§ 5. That in all cases where individuals residing in the city on the 10th of January shall, from any cause whatever, not be assessed, or where, being assessed, they shall not have paid their taxes, according to law, ten days previous to the annual election in January, so as to be included in the list made out by the clerk, it shall, nevertheless, be lawful for them to vote, upon having their names entered upon the collector's books and upon obtaining his receipt for taxes chargeable to them; and said collector shall account for and pay such taxes as in cases of regular assessment. And all persons removing into the city after the 10th of

January, and six months before the election, may, in like manner, vote, upon having their names entered on the collector's books and obtaining his receipt for their poll taxes.

§ 6. That in the event of the death, resignation, or refusal to act, of the mayor, the councilmen shall proceed to elect one of their own number to supply his place, and the person so elected shall be the mayor of said city, until a new election is had, and the mayor elected sworn into office; and the mayor and councilmen shall immediately proceed to order another election, to supply such vacancy for the residue of the term, as in the original election of said mayor; and in the like event of one or more councilmen, the board shall direct a new election in the ward or wards in which the vacancy shall happen; and in case of a vacancy in either of the other offices hereinbefore directed to be elected, the mayor and councilmen shall fill the same, by appointment, for the remainder of the year.

§ 7. That the mayor, councilmen, and said other officers of said city shall enter on the duties of their respective offices on the Thursday succeeding the first Saturday in January, in the year in which they are elected; and, before entering on the duty of their respective offices, shall each take the oath prescribed for officers by the constitution of Kentucky, which oath may be administered to the mayor elect by any judge of any court of record in this commonwealth, or by any justice of the peace for the county of Fayette; and the mayor, after he is sworn into office, shall administer the said oath to each of the councilmen and said other officers, or the same may be administered by any justice of the peace for Fayette county, and an entry shall be made on the records of the board that said oaths have been duly administered.

§ 8. That the mayor and councilmen, thus chosen and qualified, shall form one board, and shall sit and act together as one body; and at all meetings the mayor, if present, shall preside, but in his absence the board may elect a chairman for the time being. The said board shall choose a clerk, who shall be sworn to the faithful discharge of the duties of this office, which he shall hold for one year, and until another shall succeed him, removable, however, at the pleasure of the board, and shall be denominated "the clerk of the city," whose duty it shall be to keep a journal of the proceedings of the board, to sign all warrants issued by them, and to do all acts, in his said capacity, that may be reasonably required of him, and to deliver over all papers and books entrusted to him to his successor in office, immediately on such successor being chosen and qualified, or whenever he shall be thereto required by the mayor and councilmen. In all meetings of the board, six councilmen, with the mayor, or, in the absence of the mayor, seven councilmen shall constitute a quorum to do business; but

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Vacancies,
how filled.

When Mayor,
&c., are to enter
on their du-
ties, &c.

Mayor and
council to con-
stitute a board.

Clerk to be
chosen, his du-
ties, &c.

What number
shall constitute
a quorum.

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in cases of levying the taxes, or in the election of any officer of the city government, or the passing of any by-law or ordinance, seven councilmen shall concur; or where six councilmen shall be found voting in the affirmative, the mayor may be called upon to vote, and in case of his voting in the affirmative the measure shall prevail. The board shall meet in some public place, to be provided for that purpose, and their deliberations and acts shall be public.

Now streets &
alleys may be
opened or ex-
tended.

§ 9. That the mayor and councilmen may receive conveyances, or the consent, in writing, of the proprietors of lots of land within the city, for the purpose of locating new streets or alleys, or extending any of the streets or alleys of said city to the limits thereof; and on receiving the same, may direct such streets or alleys to be extended or opened; and when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said city extended, in part, or to the limits thereof, to petition the Fayette circuit court, or the Lexington city court, stating the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner to appear on some convenient day of that or some subsequent term, to show cause why such street or alley should not be opened or extended, which summons shall be executed on such owner, if in the county, if not, on his agent, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the court shall order the street or alley to be opened or extended; and if any one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature for opening roads; and on the return of the writ executed, the court shall order the mayor and councilmen to pay the damage assessed, and shall order the street or alley to be opened or extended. The mayor and councilmen shall have full power and authority to cause all streets or alleys to be opened, and cleared of all obstructions, by the inflictions of suitable fines and penalties: *Provided, however,* that the mayor and council of said city shall have power, at any time before the final decree or order, to dismiss their petition, which shall not prevent their again instituting proceedings for opening such street or alley, at any time after one year from said dismissal.

Now streets &
alleys may be
paved.

§ 10. That the mayor and councilmen shall have full power and authority to cause and procure all the streets and alleys in said city, now established, or hereafter to be established, to be paved or turnpiked, at the cost and expense of the lot owners fronting such streets or alleys; and

1850.

a petition, in writing, of the owner or owners of a greater part of the ground fronting on any square, shall be sufficient to authorize a contract for the paving or turnpiking the street or alley in such square: *Provided, however*, that the mayor and councilmen, by their unanimous consent in council, may cause any street or alley in any square in said city to be paved or turnpiked, at the cost and expense of the owners of lots, or parts of lots, fronting such street or alley, without any petition or consent; and when the paving or turnpiking shall be completed, they shall apportion the costs and expenses equally on the lot holders, and a lien is hereby given on the lots, and parts of lots, for the same; which costs and expenses may be listed and collected as other taxes by the city collector, who shall have authority to sell and convey the lots, and parts of lots, for the same, under the by-laws and regulations of the mayor and councilmen: *Provided, also, however*, that the owner of any lot, or part of a lot, sold for paving or turnpiking, who has not consented in writing for that purpose, shall have five years to redeem the same, on paying the purchase money, with ten per centum interest per annum, with all the taxes and levies that may have subsequently accrued; and those who have consented in writing may redeem it any time within one year, on the payment of the like interest: *Provided*, that infants shall have one year after arriving at full age, on like terms.

§ 11. That the mayor and councilmen shall have power and authority to cause and procure the side-walks to be curbed, and paved with stone or brick, and to apportion the costs and expenses on the owners of lots fronting thereon, and a lien is given on the lots for the same; and the mayor and councilmen shall have the like authority and power to cause and procure the streets and alleys, now established, or hereafter to be established, within said city, to be filled, levelled, and graduated, for the purpose of carrying off the water, or preparatory for paving or turnpiking, at the cost and expense of the lot owners fronting the same, and a lien is hereby given on the lots, and parts of lots, for such costs and expense; and the cost and expense accruing, under the provisions of this section, shall be listed and collected in like manner as that of paving and turnpiking, and the collector shall have the like authority to sell and convey the same as is provided for in the previous section, and subject to redemption in one year from the day of sale, and in cases of infants, in one year after they arrive at full age, by paying ten per centum interest thereon. That if any part of a street, alley, or side-walk, in any square, shall have been paved at the expense of any one or more owner or owners of lots in said square, before such order shall have been made, he, she or they shall not be required to pay any thing unless his, her or

Side walks to
be paved.

1850.

their portion of costs and expenses of grading, paving, or turnpiking, assessed as above provided, and including that already paved, shall exceed the amount of costs and expenses by them paid or incurred for the part so paved: *Provided, however*, that nothing herein contained shall prevent the mayor and council requiring side-walks to be repaved at the expense of the owner of the lot fronting such side-walk.

Taxes to be assessed and collected.

§ 12. That the said mayor and councilmen shall have the power and authority to assess, levy, and collect taxes on such real and personal estate as they may designate; but such taxation shall be uniform on every description of property assessed.

Assessor and assistant to be appointed, powers and duties.

§ 13. The city assessor may, with the advice and consent of the board of councilmen, appoint an assistant, if deemed necessary; and shall take in a list of all the taxable inhabitants within said city, separately, in each ward, and affix against each the amount of his, her or their real estate within said city; and, also, the true and just value of such personal estate of each of said inhabitants, whether in goods, stocks, manufactories, or other property, that may be designated for taxation by the said mayor and councilmen; which list shall be made on the oath of the party, or, if the party refuse to give in a list and swear to the same, the amount shall be assessed from the best information such assessor possesses; and in each of the several wards of said city, the said list shall be extended to include all free males over twenty-one years of age, and all slaves, with the value of each, taverns, grocers, victuallers, retailers, and confectioners, and houses of public resort, except gaming houses and houses of ill fame, hacks, drays, carts, wagons, and porters, plying in said city for hire; and when said lists shall be completed, and returned to the board of mayor and councilmen, they shall give a reasonable notice that any inhabitant of said city may examine the same; that if any one should feel aggrieved thereby in an excess of valuation, application may be made to the mayor and councilmen, and, on proof being made to their satisfaction, the valuation may be changed, provided the application is made within the time which may be prescribed by them; after which time no abatement or change shall be made. The mayor and councilmen shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to the board by the mayor: *Provided*, the same shall not exceed forty cents on each hundred dollars for such valuation. And for the general expenses of said city government, such as the police salaries, the support of the poor, and all charges for the well governing and ordering of said city throughout, the estimate shall be presented by the mayor.

Persons and property to be taxed.

Rate of taxation

§ 14. They shall also have power and authority to cause all stores within the city to be rated first, second, third, and fourth rate; levy and collect a tax on each, not exceeding one hundred dollars per year; and when stores are taxed according to their rate, the goods therein shall not be valued and included in the assessments of property for taxation. It being hereby intended to give to said mayor and council the right either to rate the stores, groceries, &c., or make them pay the *ad valorem* tax assessed, as upon other property; but in the event of the council determining to tax said stores, groceries, &c., by rates, then they shall likewise be assessed as other property for the purpose of ascertaining and enforcing the payment of the fire tax, not exceeding five cents on the one hundred dollars, provided for in this charter. Said mayor and council shall likewise have power, by ordinance, to provide for the taxing or rating of any store, grocery, &c., which may be commenced or opened at any time subsequent to the day fixed for the annual assessment, and all itinerant merchants or vendors: *Provided*, that in no case shall the tax levied upon such be less than the ratable amount (as compared with the other assessment,) in proportion to the time the same is kept open. Said mayor and councilmen shall also have the right to tax auctioneers, in said city, (in addition to the taxes now imposed by law,) not exceeding one per cent. upon all public or private sales of goods, wares, or merchandise, not the produce or manufacture of Kentucky; and to require them to take out licenses, with such restrictions and requisitions as may be necessary to enforce said tax; but no tax shall be required for sales of decedents by executors, administrators, or curators.

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Stores & groceries to be
classified & taxed

Itinerant merchants, &c., to
be taxed.

§ 15. That it shall and may be lawful for the mayor and council of the city of Lexington to pass such ordinance or ordinances as may, by the said mayor and council, be deemed expedient for imposing and collecting a tax upon playing cards retailed in said city, to be applied in lessening the expenses of said city: *Provided*, the same shall not exceed fifty cents on the deck or pack.

Tax on playing
cards.

§ 16. They shall also have a right to tax, and the exclusive right to license, all taverns, houses of private entertainment, grocers, victuallers, confectioners, retailers, and houses of public resort, except gambling houses or houses of ill fame, within said city; but tavern keepers shall also be liable to pay the revenue tax of ten dollars; but no license shall be granted whereby spirituous liquors may be retailed, upon the payment of a less sum than one hundred dollars.

Tax on taverns,
groceries, &c.

§ 17. They shall also have the right to license and tax all exchange or brokers' offices, within said city, in any sum not exceeding one hundred dollars.

Brokers may
be taxed.

1850.

Carts, wagons,
&c., may be tax-
ed.

§ 18. They shall also have the right to license, tax, and regulate all carts, wagons, drays, hackney-coaches, and porters, which may be plying in said city for hire. They shall also have power, whenever in their opinion the interests of said city shall require it, to levy and collect taxes on dogs and other domestic animals, in any sum not exceeding ten dollars on each dog, or other animal.

Shows, &c.,
may be taxed.

§ 19. They shall have the right to tax and license all shows, exhibitions, performances, lectures, or concerts, given, made or exhibited, for money or property, within the city of Lexington; and may prohibit them until a license be obtained: *Provided*, that lectures by resident professors shall not be subject to taxation.

Male inhabit-
ants over 21 to
pay a poll tax.

§ 20. A tax shall be levied on each free male inhabitant of twenty-one years of age and upwards, excepting paupers, inhabiting said city, at a ratio not exceeding one dollar and fifty cents each.

Taxes to bear
interest &c.

§ 21. The mayor and board of councilmen shall have power to provide, by law, that tax payers shall receive credit for the amount of the usual collector's commissions for collecting taxes, upon the payment of their taxes to the treasurer by a day to be fixed by ordinance, and that taxes shall bear interest from and after such day.

Tax lists to be
placed in hands
of collectors.

§ 22. When the said taxes shall be made out and fixed as herein provided, or the day for paying the same to the treasurer shall have passed, if any such be fixed, bills shall be placed in the hands of a collector or collectors, to be appointed by the mayor and councilmen, with their warrant to collect the same. The power of the collector or collectors of the city tax shall be the same, as to the distraining, advertising, and selling property, as is now granted by law to the sheriff in the collection of the state revenue and county levy; and for failure to pay taxes on real estate, the same remedies, by damages and interest, by sale of the real estate, shall exist as in the collection of the state revenue, except that all persons may purchase at said sales, and that it shall be the duty of the collector to make all returns to the mayor and board of councilmen which, in the sale of lands for the state revenue, the sheriff is required to make to the auditor of the commonwealth; and that the mayor and board of councilmen shall perform all the duties and have all the powers to make sales of lands which are prescribed to be performed by, and are given to the auditor, in the collection of the state revenue. Bond with good surety, in an adequate penalty, shall be taken of said collector or collectors, payable to the city of Lexington; and he or they shall be removable at the pleasure of the mayor and councilmen. The city collector and his sureties shall be liable to judgment, by motion in the Lexington city court, for failing to collect and pay over any sums put in his hands for collection, at the time stipulated, with ten per

Penalty on col-
lector for failing
to pay over.

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centum interest and costs; and five days notice of such motion shall be sufficient; and there shall be no replevin, or valuation of property, on executions issuing on such judgments; a lien shall exist on the real estate and slaves of said collector, and his sureties, for the payment of all sums placed in his hands for collection.

§ 23. That it shall be the duty of the collector of the city of Lexington to continue the collection of taxes, and other city dues, until his successor shall be appointed and qualified; and he must settle his accounts, from time to time, as the mayor and council shall require.

Collector to continue his collections and settle his accounts.

§ 24. That until said city shall have paid off its present debts, there shall, annually, be appropriated towards the payment of interest and the extinguishment of said debt, at least the sum of ten thousand dollars; and the better to secure said payment, it is hereby enacted that the proceeds of the *ad valorem* tax of twenty-five cents on the one hundred dollars, (part of the forty cents heretofore provided for,) and all the rents received by said city, shall be set apart for that purpose; and the treasurer shall receive and enter, separately, in his books, the proceeds of the tax and rents above specified, and shall pay the same out to the order of the mayor and council, or such committee as they may appoint for said purpose, to be appropriated exclusively to the payment of so much of the present debts of the city, or the interest which may be due, or hereafter become due thereon; said mayor and councilmen shall also pass such ordinance or ordinances, with proper penalties, as they may deem necessary for the enforcement of this provision; and should the mayor and council make any appropriation of the rents and tax arising from said twenty-five cents on the one-hundred dollars, against the true intent and meaning, and contrary to the provisions of this section, they shall be held, individually and collectively, personally responsible; but any member may absolve himself from such liability by showing, by the records of said mayor and council, that he voted against, or was absent when the act in violation hereof was committed or sanctioned.

How taxes to be applied.

§ 25. That in addition to the taxes before provided, the mayor and council of the city of Lexington shall have the authority, in each year, to levy an additional *ad valorem* tax on the property within said city, not exceeding five cents on each one hundred dollars of assessed property, which shall be collected in the same manner as other taxes are by law collected in said city; and that the fund arising therefrom shall be kept by the treasurer of said city distinct and separate from the other funds, and shall be expended only in discharge of debts now subsisting against said city for the purchase of fire apparatus, and providing facilities for obtaining water in time of fire, or for such other appro-

Additional tax may be assessed and collected, &c for what purpose.

1850:

Additional tax
may be assessed
and collected,
for school pur-
poses.

priations as may be made by resolutions of the mayor and board of councilmen for similar purposes.

§ 26. That, in addition to the taxes before provided, the mayor and council of the city of Lexington shall have the authority, in each year, to levy an additional *ad valorem* tax of any sum not exceeding five cents on the one hundred dollars of assessed property within said city, which shall be collected in the same manner as other taxes are by law collected in said city; and that the fund arising therefrom shall be kept by the treasurer of said city distinct and separate from the other funds, and shall be expended only under the direction and management of the board of councilmen, for the support and maintenance of the public schools.

County levy
discontinued.

§ 27. The county levy for the county of Fayette, heretofore collected from the inhabitants within the boundaries of said city, shall be discontinued.

Account of
moneys receiv-
ed and paid out
to be published
yearly.

§ 28. The mayor and councilmen shall, annually, publish an account of all the moneys received and paid out by their order during the year they are in office.

May borrow
money.

§ 29. That said mayor and councilmen shall have the power to borrow money on the credit of the corporation, and pledge any of the corporation property for the redemption of the same, or to pledge any part of the future taxes of the city for the payment of the principal and interest on said loan: *Provided*, that the interest paid, in no case shall exceed six per centum per annum; and that the amount of loan, at any one time, to said city, shall not exceed thirty thousand dollars.

May borrow
money for Transyl-
vania univer-
sity.

§ 30. That the mayor and board of councilmen of the city of Lexington are authorized to borrow such sum or sums of money as they may deem necessary, for the advancement of the interest of any department of Transylvania university; and they may issue the bonds or scrip of the said mayor and board of councilmen, signed by the mayor, and under the seal of said city, bearing such rate of interest, not exceeding six per centum per annum, and payable at such periods, (not less than twenty years,) as they may think proper for the payment of such sum or sums as they may borrow under the authority above given; and they are hereby further authorized, if they shall hereafter deem it necessary, to issue like bonds or scrip, payable at such time or times as they may judge proper, for the payment of the interest upon said bonds. And they are hereby further authorized, upon subscribing sixty thousand dollars to any or all of the departments of Transylvania university, of which not less than twenty thousand shall be appropriated for the use and benefit of Morrison college, to be paid in such manner as shall be agreed on between the said mayor and board of councilmen and the present board of trustees of Transylvania university, to elect three other trustees; and at the first regular meeting

Three trustees
to Transylvania
university to be
elected.

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of the said mayor and council, after the subscription is made, as is herein contemplated, they shall elect said three trustees of the university, one to serve one year, one to serve two years, and the other to serve for three years, from the date of their appointments, and until their successors may be elected; and after the expiration of each term of service, a trustee shall be elected, to remain in office for the term of three years; and in case of any vacancy in the board of trustees, arising from the death, resignation, or refusal to act, of any one of the trustees so appointed, the same may be filled by election by the mayor and board of councilmen; but it is to be understood that the money has already been borrowed and appropriated to Transylvania university under this section; and it is hereby provided that no money shall be borrowed under this section in future, nor shall the mayor and council have power, in future, to borrow money, issue bonds, or make appropriations of money for any other purpose than for debts already existing, and the legitimate duties and purposes of the city, as declared and provided in this charter.

§ 31. That the said mayor and councilmen shall have the power and authority to determine that so many watchmen shall be elected, either for day or night, as, in their discretion, they shall judge best, for the safety and advantage of the city; and such watchmen shall be conservators of the peace, and vested with power to apprehend all felons, gamblers, rioters, breakers or disturbers of the peace, vagrants, persons of evil fame, and of riotous, disorderly conduct, and carry them, with such evidence as they may possess, before the judge of the Lexington city court, to be dealt with according to law; and if such apprehension is in the night, then to the watch house, for safe-keeping until the morning; they shall also be vested with the power and duty of patrols.

Watchmen to be appointed.

§ 32. They are authorized and empowered to appoint inspectors of flour, tobacco, whisky, beef, pork, butter, and lard for exportation, to provide against frauds thereon, and to make such by-laws as shall be needful to carry the same into effect, and to punish breaches thereof.

Inspectors of flour, &c., to be appointed.

§ 33. They are vested with the power and authority to appoint a health officer, to establish regulations which may be necessary and proper to prevent the introduction of the small pox, and to eradicate such disease when it shall have made its appearance in said city: *Provided*, that nothing herein shall be construed to give any power to establish any regulation inconsistent with the constitution and laws of the state, or to prevent the legislature from changing, by law, any regulation which may be made by said corporation on this subject, or in relation to inspections.

Health officer may be appointed.

§ 34. They shall have the power to organize a fire department for the extinguishment of fires that may happen

Fire department may be established.

1850.

within said city; to provide engines and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding twenty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to said engine; the said engine men to be appointed for any term that the mayor and councilmen shall ordain, and be discharged by them at pleasure: and the said mayor and councilmen shall make all necessary by-laws to punish any inhabitant of said city for non-attendance, or disorderly or improper conduct, during the time of fire.

May regulate
buildings.

§ 35. The said board shall have power, with the concurrence of three-fourths thereof, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings, in any part of said city whereby great danger may ensue to valuable and permanent improvements, and enforce the observance of the same by fines and penalties.

May erect poor
house.

§ 36. They shall have the power, and it shall be their duty, to erect or procure a suitable building or buildings, for a poor house and work house, in which the indigent poor shall be comfortably provided for at the expense of said corporation, to be regulated and managed by suitable persons, to be appointed by the mayor and councilmen for that purpose; and, in apartments distinct from the infirm and indigent, provision shall be made for confining common beggars, vagrants, and all persons who may be sentenced for short periods of confinement by the Lexington city court, for breaches or disturbances of the peace, or for petty offenses, where they shall be employed in such labor, and made to perform such tasks as shall be directed by the ordinances of the mayor and councilmen; persons committed to the work house shall be sent there by warrants of the Lexington city court, and discharged by the overseer on the expiration of the time for which they were sentenced. A committee of the board of councilmen, or special overseers of the poor, shall be established by the board, who shall place the poor persons in the poor house at their discretion; but the whole establishment shall be under the control and immediate care, and subject to the frequent visitation, of the mayor and councilmen; all by-laws and ordinances to carry this article into effective operation, not repugnant to the laws of this state or of the United States, are to be made and enforced by said corporation.

Hogs, &c., may
be prohibited
from running at
large.

§ 37. They shall have power, whenever the public convenience or safety may require it, to prohibit hogs, cattle, horses, and other descriptions of animals, from running at large in the streets, lanes, alleys, commons, and other public places in said city; and to require and compel the abatement and removal of all nuisances within the limits of

said city, under such regulations as shall be prescribed by ordinance.

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§ 38. They shall have power to suppress, by ordinances with suitable penalties, all tippling houses, bawdy houses, disorderly houses, and houses of ill fame, all retailing of spirituous liquors without licenses, and all riots, disorders, breaches of the peace, and disturbances of the peace and tranquility of the said city.

Tippling houses may be suppressed, and how.

§ 39. They shall have power to erect and procure one or more suitable buildings as powder magazines; to provide suitable carriages for the conveyance of gun powder; and to pass by-laws to prohibit the introduction of gun powder into said city, with penalties for breaches thereof, in addition to the forfeiture of the powder so introduced.

Powder magazines may be erected.

§ 40. They shall also have the power to impose such restrictions, by ordinance, upon the sale or other disposition of playing cards by retail in said city of Lexington, as will prevent the vending or trading of the same to slaves; and, if deemed necessary, require bond, with good surety, from all retail vendors of playing cards, upon such terms and conditions as they may ordain, and monthly or quarterly accounts to be rendered to the city clerk.

May impose restrictions upon the sale of playing cards.

§ 41. That all the rights, privileges, and property, real and personal, and choses in action, which are now vested in and belonging to the trustees of the town of Lexington, shall, as soon as said board of mayor and councilmen may be organized, be vested in and belong to said city of Lexington, subject to the payment of all just demands which may exist against said trustees, and for which they are responsible.

Powers of trustees vested in mayor & council

§ 42. That the title for real estate within the present town of Lexington, held in trust for others, shall be and hereby is vested in the mayor and councilmen of said city, and their successors, subject to the like trust under which it was held by the trustees of Lexington; and in suing the city, the writ shall run against the mayor and councilmen of the city of Lexington; and service on the mayor, or clerk, or secretary, shall be sufficient service of such process.

Real estate held in trust by trustees vested in mayor & council

§ 43. The mayor and councilmen of the said city shall have power to purchase, hold, and sell real estate within the limits of said city, and also purchase, hold, and sell real estate out of the limits of said city, for the purposes of a potter's field, cemetery, and other purposes, not exceeding one hundred acres; also, to purchase, hold, and sell personal estate and stocks in incorporated companies.

May hold real estate.

§ 44. That the mayor and councilmen shall have full power to pass all needful ordinances and by-laws for carrying into effect all the powers herein granted, and executing all the provisions of this charter, with suitable penalties for the infraction of the same, not exceeding fifty dol-

May enact by-laws, &c.

1850.

lars, except in cases of disturbances of religious worship, riots, and breaches of the peace, where the penalty may be one hundred dollars.

Validity of ordinances, how tried.

§ 45. The validity of the city ordinances and by-laws may be tried by a writ of prohibition from the judge of the Fayette circuit court, with the right of appeal to the court of appeals.

Decisions may be appealed from

§ 46. Should the judge of the city court decide against the validity of any ordinance or by-law, the said decision, with the ordinance or by-law, shall, on request of the city attorney, be certified on the record; and the city of Lexington shall have the right of carrying said decision to the court of appeals, by appeal or writ of error.

Penalties for violation of ordinances.

§ 47. All penalties for violation of the ordinances and by-laws shall be sued for by warrant, in the name of the city of Lexington, in the Lexington city court, and judgments may be given as well for the costs as the penalty.

By-laws, &c., to be recorded and published.

§ 48. The mayor and councilmen shall cause all the by-laws and ordinances passed by them to be fairly recorded in the journal of their proceedings, and publish the same in one or more newspapers printed within said city.

Subordinate officers may be appointed.

§ 49. That the mayor and councilmen shall appoint, or provide for the election by the people of all necessary subordinate officers to carry the foregoing provisions of this act into full effect, such as overseers of the poor and work house, and any other that may be required, and to qualify them for the faithful discharge of their several duties, and require bond and securities of them for the same; and they shall have power to pass general ordinances directing the mode and manner of summoning jurors and grand jurors for the Lexington city court.

Powers of mayor and council.

§ 50. That the mayor and councilmen shall have and possess all the powers and authority heretofore vested in the trustees of Lexington, either by the general laws of this commonwealth or the particular laws now in force in respect to the town of Lexington, with power and authority to adopt the by-laws and ordinances of said town, and the same to repeal, alter, and amend, as to them shall seem best; and with full power and authority to pass such by-laws and ordinances, with adequate penalties, as they shall, from time to time, deem expedient for the government of said city, not contrary to the constitution of this state or of the United States.

Free schools may be established.

§ 51. The mayor and councilmen shall have power and authority to establish one or more free schools in each ward of said city, and may receive donations of real and personal estate to erect the necessary buildings, and to provide the revenue for their maintenance by a tax on the ward in which said school or schools shall be established. But they may establish one city school for the entire city, and, upon

its being made a free school, may provide the revenue for its maintenance by a tax on the whole city.

§ 52. That the mayor of said city shall be the chief executive officer of said corporation, and it shall be his duty to see that all the laws and ordinances of the city shall be duly executed and put in force. It shall be his duty to see that all the officers appointed by the mayor and board of councilmen shall discharge their respective duties faithfully and efficiently; and upon a failure of any one of said officers so to do, the mayor shall report the delinquent to the council.

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Mayor to be
chief executive
officer.

§ 53. He shall have the care and superintendence of all the public property of said city; and, under the direction and with the consent of the council, he shall make all contracts, on behalf of the city, for public works and improvements, and see that they shall be conducted and completed according to contract.

Mayor to have
care of public
property.

§ 54. He shall be superintendent of the market house, and of the city work house and prison, and visitor of the city school, and shall perform such other duties as a majority of the board of councilmen may think proper to impose upon the chief executive officer of the city.

Shall superin-
tendent market
house, &c.

§ 55. He shall keep the public seal of said city, and shall keep an office in some convenient place in said city; and he shall have power to administer oaths. He shall have power to summon a meeting of the board of councilmen at any time, and so often as he may deem it advisable, notwithstanding they may have adjourned to a more distant day. He shall, if present, preside at all meetings of the board, except when his own salary may be the subject of legislation; and in case of a tie on any question, he shall give the casting vote, but he shall not otherwise have a vote in the board, except in the cases herein before specified.

Powers and
duties of mayor

§ 56. It shall be his duty, from time to time, to communicate to the board of councilmen all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornaments of said city.

To communi-
cate information
to the board.

§ 57. They shall have power, in cases of riots, mobs, and other violent infractions of law by assemblages of persons, to call out the militia of the city, in aid of the civil power, in their suppression, and, when so called out, the same shall be under his command, and the officers of the militia bound to obey his lawful orders.

May call out
militia.

§ 58. That whenever the mayor of the city shall be advised of any assemblage of persons, any where in the county of Fayette, for the purpose of gaming, or other unlawful objects, or where assemblages of negroes, or others, for the purpose of gaming, drinking, or for any other purpose not allowed by law, or where the said assemblage shall or

Powers and
duties in rela-
tion to gaming.

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may be constituted partly of white and partly of black population, it shall and may be lawful for the said mayor, with the power of the county, (if required,) to proceed to the place of such rendezvous or unlawful assemblage, with his marshal, or other officer or officers, and to arrest all persons so unlawfully assembled, and forthwith to bring them before any justice of the peace of the county, to be dealt with according to law.

Mayor may examine witnesses under dedimuses, and take depositions.

§ 59. That the mayor of said city shall have power and authority to examine witnesses under dedimuses from any court within this or any other of the United States, or foreign country, and shall be entitled to receive a fee of one dollar for each witness so examined; and in all cases where he shall affix the seal of the corporation to any document, by request, he shall be entitled to receive the sum of one dollar; he shall also have power and authority to take depositions, in said city, in all other cases where justices of the peace are now authorized to take the same.

Mayor's salary.

§ 60. That the mayor of said city shall be compensated for his services by a salary, not exceeding six hundred dollars, payable quarterly, out of the funds of the corporation, to be fixed by the board of councilmen, exclusive of the mayor; and said salary shall be exclusive of all fees which he may receive for certifying documents of a public or private nature, or for services rendered to individuals, which he may be called on to perform or execute in his official capacity.

Mayor may remit fines, on certain conditions.

§ 61. That the mayor shall have power, by and with the advice and consent of a majority of all the councilmen elected, at a stated or called meeting of the council, to remit any fine, penalty or forfeiture, incurred or imposed by any by-law or ordinance of the city, and discharge from the work house any person therein confined. But in all cases of remission of fines, or discharge from imprisonment, the same shall be made conditional on the offender paying the fees of the clerk, marshal, and other officers, and if not made so conditional, said fees shall be paid from the city treasury.

Marshal and deputy to be elected.

§ 62. A marshal and deputy marshal shall be elected at the times and for the terms prescribed by the constitution for the office of marshal, and they shall be removable by the mayor and board of councilmen. The marshal shall, by himself or deputy, attend all the sessions of the mayor and councilmen, and of the Lexington city court, and preserve order under their or his directions. He may, by himself or deputy, execute all process emanating from the Lexington city court. He may be appointed city collector; shall also collect the fees of the judge of the Lexington city court, mayor and clerk, if required. He and his deputy shall execute bond, with sufficient surety, in an adequate penalty, before the mayor and councilmen, to the common-

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wealth of Kentucky, conditioned faithfully to discharge the duties of their office, and to pay over all sums of money that may come into their hands to the persons entitled thereto; and a lien shall exist on the land and slaves of said marshal and deputy, and sureties, from the time of executing bond, for all sums of money that shall come into their hands. He shall be entitled to receive the same fees, for the like services, which sheriffs are entitled to receive, and shall have the same power to collect them. He and his deputy, and all others to whom the process of the city court shall be directed and come for execution, shall be bound to execute and return the same within the time prescribed by law for sheriffs to execute and return similar process, and, on their failure, they and their sureties shall be liable to the same fines and penalties that sheriffs are, as, also, for not paying over moneys collected on executions, and for making illegal charges, for false returns, and other illegal acts; and said court shall have power and jurisdiction to hear and determine motions against them and their sureties for failures, in like manner as the circuit courts have power and jurisdiction to hear and determine motions against defaulting sheriffs, or to proceed, by fine and imprisonment, to enforce the due execution and return of process, as other courts of record: *Provided, however,* that said mayor and councilmen may abolish and hereafter create said office of deputy marshal, if they should deem it advisable, and provide, by resolution, for the appointment or election by the people of said deputy marshal.

§ 63. It shall be the duty of the marshal of said city to collect all fees due to the clerk of said court, when fee bills therefor shall be placed in his hands for collection, in like manner as is prescribed by law in relation to clerks' fees of circuit and county courts; and he shall receive the same compensation for receiving, collecting, and paying over said fees, which is allowed sheriffs for like services; and he shall be liable to motion in the city court in case of delinquency, or breach of official duty, in like manner as sheriffs are in the circuit court; and the clerk shall be liable to the same fines and penalties for making illegal charges, or any other illegal acts, as the clerks of the circuit courts, to be recovered in the same manner before the Lexington city court.

To collect fees
due clerk of city
court.

§ 64. There shall be established in said city a court to be styled the Lexington city court, which shall be held by one judge, who shall receive for his services, (independent of his fees of office, as provided herein,) a salary of seven hundred dollars per annum, payable quarterly out of the public treasury.

City court to
be established,
salary of judge.

§ 65. Said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said

Powers and
jurisdiction.

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city, and exclusive jurisdiction of all pleas of the commonwealth arising within the limits of the city of Lexington, except cases of felony; and said court shall have power and authority to take recognizance from persons charged with offenses cognizable before said court, to appear and answer the same that the circuit courts have, and the like power to enforce a compliance with the same; and as to committing criminal offenders, and sending them on for trial, said court shall have the powers of two justices of the peace of Fayette county.

Powers in relation to opening streets, &c.

§ 66. Said court shall, concurrently with the Fayette circuit court, exercise the power and jurisdiction which is given herein in regard to the opening and extension of streets in said city; and shall have concurrent jurisdiction with said Fayette circuit court in all cases of idiocy and lunacy, and similar proceedings shall be had in such cases in the city court to those had in the circuit court.

Jurisdiction in cases of vagrancy.

§ 67. Said city court shall have jurisdiction of all cases of vagrancy arising within said city; and the justices of the peace of Fayette county are hereby required to make the recognizances of all persons charged with being vagrants, within the city of Lexington, returnable to the city court, instead of the circuit court, to make out a statement of the evidence, and recognize the witnesses to appear at the next city court in all respects as to the circuit court; and, upon conviction of vagrancy, the person shall be sentenced to labor in the city work house for a period not less than three nor more than six months, to be ascertained by the jury; but presentment or indictment by the grand jury, in the said city court, may be made in all cases of vagrancy, without previous examination before a magistrate.

Powers and duties in regard to slaves hiring their time.

§ 68. Said city court shall have authority, upon information that any slave or slaves within said city are hiring their own time, with the consent of their master or owner, to cause said slave or slaves to be confined at labor in the city work house for three months: *Provided*, that the master, or mistress, or hirer of such slave or slaves shall first be summoned to show cause, if any he, she or they can, why such slave or slaves shall not be confined as aforesaid.

Jurisdiction over riots, &c.

§ 69. The jurisdiction of the city judge of the city of Lexington shall extend to all cases of riots, routs, or unlawful assemblies, within the county of Fayette, as hereinafter provided; whenever said judge shall be advised, or shall receive information, on oath, of any rout, or unlawful assemblage of the people for the purpose of gaming, or any unlawful purpose whatever, whether such unlawful assembly shall consist of free men or slaves, or both, it shall be lawful for him to issue his warrant to arrest all such offenders, directed to the sheriff or any constable of said county, or to the marshal of the city; and if no officer should be at hand to serve said warrant, then to such discreet

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person as he (said judge,) shall appoint, returnable before some justice of the peace of the county; on which warrant it shall be the duty of the officer, or other person, to arrest and bring before the said justice of the peace of the county of Fayette, all persons who shall be found so assembled, to be dealt with by the justice according to law; and it shall be the duty of the citizens of the city and county to attend the officer, or other person, if they should be thereunto summoned, to aid and assist in arresting the persons so found guilty of infracting the law.

§ 70. Said city court shall be holden at such place as the mayor and council shall designate, or, they failing to designate a place, at such place as the judge shall select; and the judge shall have power to fix such time for the holding of his court as, in his discretion, the cases coming before him for trial may seem to him to require. Said court shall be a court of record, and shall have a seal, which shall be provided by the mayor and council, and shall be in the custody of the clerk of the city court, to be used and affixed by him as the seals of the circuit courts are.

Place of holding, how fixed.

§ 71. It shall be the duty of the clerk of said city court to keep a record of the proceedings of said court; to issue all original process for bringing parties before said court, and executions and precepts on its judgments; and to perform all the duties which usually pertain to the office of clerk of a court in this commonwealth. He shall charge and receive the same fees which are allowed to the clerk of the Fayette circuit court for like services; and when he shall perform services, for payment whereof no provision is made by law, he shall charge and receive such fees as shall be adjudged reasonable and be allowed by the judge of his court. The process of said court may run into every county of this commonwealth, and, when to be executed out of the Lexington city limits, it may be directed to the sheriff of any county, who shall be entitled to the same fee for executing the same as for executing like process from the circuit courts. And the marshal and sheriffs are authorized and directed to take bail upon the execution of such process, in all cases in which bail is required on like process issuing from the circuit courts.

Powers and duties of Clerk.

§ 72. All penalties for breaches of the ordinances and by-laws of the city shall be sued for by warrant in the name of the city, and be for its use.

Penalties, how sued for, &c.

§ 73. All fines in prosecutions, in the name of the commonwealth, in said court, shall be by the mayor and board of councilmen invested for the benefit of the public schools of Lexington, except the sum of seven hundred dollars, which shall be for the use of the city of Lexington; and in consideration of the amount so given, the city of Lexington shall annually pay into the public treasury of the state, in the month of December, the sum of seven hundred dol-

Fines, how applied.

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lars, and, in default of payment, the city shall be liable to motion, by the auditor, as sheriffs and other collecting officers are.

Penalties for
violating ordi-
nances.

§ 74. All persons convicted in the Lexington city court, shall be confined in the city work house, at labor, until the fines assessed against them, and the costs of prosecution, are discharged, at fifty cents per day, instead of being confined in jail.

Attachment
against choses
in action, &c.

§ 75. That a return of not found on a *capias pro fine*, and of no property found on a *fi. fa.* issued on the same judgment in the city court, shall authorize an attachment out of chancery, in favor of the commonwealth, or the city, against the choses in action, and effects of the defendant or defendants, in the same manner that the return of no property authorizes an attachment in chancery, on judgments in the circuit courts.

Persons com-
mitted to be con-
fined in work
house at labor.

§ 76. That all persons committed by the Lexington city court for default of surety for good behavior, or to keep the peace, and all others whom the city of Lexington is bound to maintain when committed to the jail of Fayette county, shall be confined in the city work house, and they may be compelled to labor as many days in each week, at fifty cents per day, as may be necessary to defray the reasonable cost of their board, to be from time to time determined by the mayor and board of councilmen.

City judge may
examine wit-
nesses under
dedimus and
take depositions

§ 77. The judge of the city shall have power and authority to examine witnesses under dedimuses from any court within this or any of the United States, or foreign country, and shall be entitled to receive a fee of one dollar for each witness so examined; he shall also have power and authority to take depositions in said city in all other cases where justices of the peace are now authorized to take the same: *Provided*, that said judge, for the performance of such duties, and the exercise of such powers as come within the jurisdiction of justices of the peace for the county of Fayette, shall be entitled to demand and receive the same fees, and no more, as are allowed by law to justices of the peace, except the salary herein provided for; and he shall have the right to issue fee bills, and collect them, in like manner as justices of the peace now have.

Recognizances
taken by judge,
when & where
returnable.

§ 78. That all recognizances taken by the judge of the city court, when the day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Fayette circuit court; and all recognizances, except those above excepted, shall be returned to the clerk of the said court, under the hand of the said judge, and shall be docketed as recognizances taken and returned by magistrates. The said judge, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witness, and shall return the statement of the evidence and the recognizance to the clerk of the Fayette circuit court.

§ 79. That no judgment for costs shall be rendered in favor of the city for a greater amount than the fine, unless the judge of the city court shall be of opinion that a judgment for full costs should be rendered against the offender, and shall so certify on the record.

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Costs above amount of fine not to be given.

§ 80. That whenever the fees of the marshal and clerk are discharged by confinement in the work house, they shall be paid out of the city treasury.

When fees to be paid out of city treasury.

§ 81. That the city of Lexington shall be allowed, out of fines collected on prosecutions, in the name of the commonwealth, in the city court, where the same exceeds five hundred dollars, heretofore given the city, to pay to the clerk of the city court, as compensation for his services in criminal cases, forty dollars.

Allowance to city upon fines.

§ 82. The attorney of the city of Lexington shall be entitled to the like fees, for the like services, as are allowed by law to the prosecuting attorneys in the circuit courts of this commonwealth.

Attorney's fees.

§ 83. The judge of the Lexington city court shall have concurrent original jurisdiction with justices of the peace in all civil cases in said city, where, by the laws of this state, justices of the peace are, or shall be, authorized to hear and determine, or in any manner have power to act; and all persons aggrieved by his decisions, in such cases, shall have the right of appeal to the Fayette circuit court, on the same terms and conditions, and subject to the same restrictions and limitations as he or she might or could have had, if such judgment had been rendered by a justice of the peace in Fayette county. All process in civil cases shall be directed to the marshal of said city, and executed by himself or deputy; and he shall be entitled to receive the same fees, for the like services, which constables are entitled to receive, and have the same power and authority within said city; and for such civil services the said judge shall be allowed to receive like fees with justices of the peace, and collectable in like manner.

Jurisdiction of city judge.

Approved December 21, 1850.

CHAPTER 108.

AN ACT to incorporate the Trustees of the United Baptist Meeting House, in Tompkinsville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jefferson Gee, Turner Goodall, and Radford J. Maxey, be and they are hereby constituted a body politic and corporate, to be known by the name and style of "the trustees of the United Baptist meeting house, of Tompkinsville," and, by that name, shall have perpetual succession, and a common seal; and the said trustees shall have power, on the death, resignation, removal, or other disqualification of any of the trustees, or their successors,

Trustees in incorporated.

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a majority of those remaining concurring, to fill such vacancy or vacancies; and any person or persons, so appointed, shall be vested with power and authority as if named specially in this act; and, by said name, may sue and be sued, plead and be impleaded in any court of law or equity in this commonwealth.

May hold real
estate.

§ 2. That said trustees and their successors shall have power and authority to purchase or receive, by gift or devise, any quantity of land not exceeding fifty acres, for the use and benefit of said church, as they deem most expedient; and the same may be conveyed to them by deed or otherwise, as conveyances are now made of real estate between individuals, and subject to the like rules and regulations; and the general assembly reserves the right of modifying or repealing this act.

Approved December 21, 1850.

CHAPTER 110.

AN ACT for the benefit of William R. Moore, of Todd county.

Whereas, it is represented to this general assembly, that William R. Moore, of the county of Todd, taught a common school in district No. 6, in said county, during at least three months in the year 1849; and by some accident, failure, or miscarriage, without any fault of said Moore, the report of said district for said year never came to the hands of the superintendent of public instruction, and therefore said district received nothing from the state school fund for said year, although it contained eighty children of the proper age to go to school, as fixed by law. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, that the superintendent of public instruction is hereby directed to draw his order on the second auditor for the sum of forty-six dollars and forty cents, in favor of said William R. Moore; whereupon, the said second auditor shall draw his warrant on the treasurer for that sum of money, in favor of said Moore, and charge the warrant to the school fund; and it shall be in full discharge of all claims of said William R. Moore and said district No. 6, in the county of Todd, for the year 1849.

Approved December 21, 1850.

CHAPTER 112.

AN ACT to authorize the election of certain officers in the town of Maysville.

Certain officers
to be elected.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the qualified voters of the city of Maysville shall have the right to elect the following officers

of said city, at the same time and in the same manner as they now elect their mayor and councilmen, to-wit: the marshal, clerk, treasurer, assessor, collector, wharf master, and wood and coal inspectors; and the said officers shall hold their offices until their successors are duly elected and qualified.

§ 2. That the city council shall have the right to require such bond of any of the said officers for the faithful discharge of their duties, as, in their discretion, they may deem expedient.

Council may
require bonds of
such officers.

§ 3. That the city council shall have the right to fill all vacancies that may occur in said offices by the death, resignation, or refusal to qualify or execute bond, as required by the council; and they shall also have the right, upon due notice given, to dismiss from office any of said officers who may fail or refuse to discharge their duties properly, and to fill the vacancy occasioned by said dismissal or removal from office.

Vacancies,
how filled.

Approved December 21, 1850.

CHAPTER 113.

AN ACT for the benefit of James Ashcraft, of Grant county.

Whereas, Asa Vallandingham, late sheriff of Grant county, failed, in his official capacity, for a large sum of money, leaving his security, James Ashcraft, to pay large amounts; and whereas, the said Vallandingham left some fee bills unpaid him in the hands of said Ashcraft, for services as sheriff for the years 1838 and 1839. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for said James Ashcraft to list said fee bills with the sheriff or any constable of Grant county, for collection; and the said sheriff or constable shall be authorized to collect said fee bills in the manner provided by law for the collection of taxes and fee bills, and shall be subject to all legal penalties in such cases for the non-payment of money when collected.

Approved December 21, 1850.

CHAPTER 114.

AN ACT to repeal part of an act to permit the citizens of Louisa to vote for or against tavern license, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first section of an act, entitled, an act to amend the charter of Prestonsburg, and for other purposes, approved March 4, 1850, and, also, the third section of an act, entitled, an act to permit the citizens of

1850.

the town of Louisa to vote for or against granting tavern license, and for other purposes, approved February 26, 1849, be and the same are hereby repealed.

Approved December 21, 1850.

CHAPTER 115.

AN ACT for the benefit of Samuel P. Davidson, late deputy Sheriff of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Samuel P. Davidson, late deputy sheriff of Floyd county, by himself, the present sheriff, or deputy sheriffs, or any constable of Floyd county, to collect all taxes, county levies, and fee bills, arrearages of taxes, county levies and fee bills, uncollected in said county, and due him for the years 1837 and 1838, in the same manner that taxes, county levies, and fee bills are by law to be collected. This act to continue in force for two years from and after its passage.

Approved December 21, 1850.

CHAPTER 116.

AN ACT for the benefit of John Lyon, of Monroe county.

Whereas, on the 22d January, 1850, the surveyor of Monroe county made a survey of fifty acres of vacant land in said county, for John Lyon, which is situated upon the waters of Sulphur Lick creek, in said county, and for which a patent issued from the commonwealth to said Lyon, dated 2d August, 1850, and, in the description of said land in said survey and patent, it is erroneously described as being upon the waters of Mashack's creek, in said county, in place of Sulphur Lick creek. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the register of the land office to change the description given in said survey and patent of the location of said land, so as to describe it as being on the waters of Sulphur Lick creek, in said county.

Approved December 21, 1850.

CHAPTER 117.

AN ACT for the benefit of James H. and Joseph F. Curd, administrators of E. H. Curd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be hereby allowed two years, from the first day of May, 1851, to James H. Curd and Joseph

F. Curd, as administrators of E. H. Curd, deceased, late clerk of the circuit and county courts of Calloway county, to collect the fees due to him at the time of his death, as clerk as aforesaid.

1850.

Approved December 21, 1850.

CHAPTER 119.

AN ACT relative to the town of Cynthiana.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act increasing the powers of the trustees of the town of Cynthiana, approved January 29, 1816, shall be so amended as that the said trustees shall have full power and authority to order and determine that the streets of said town, which have been, or shall hereafter be paved, shall be repaired; and to direct that each and every person owning lots or real estate fronting on said streets, shall repair, or cause to be repaired, with good brick or stone, as may be by said trustees directed, as far as the middle of said streets in front of his, her or their respective lots or real estate. And if such person or persons, so directed to repair, after notice of such order, and a reasonable time given, shall fail or refuse to comply with said order, the said trustees shall have full power and authority to employ some suitable person, on as reasonable terms as can be had, and assess the value or price thereof on the owner or owners of said lot or lots, which price said owner or owners shall be bound to pay; and if he, she or they shall refuse to pay the amount within three months after the assessment, it shall be recoverable from him, her or them, by action in any court having jurisdiction, or by warrant before any justice of the peace, as may best suit the amount of the same, and as is usual in other demands of like magnitude.

Act of 1816 & amended.

§ 2. The trustees aforesaid shall have full power and authority to regulate the side walks of the paved streets of said town, and to regulate the grade of the streets and alleys of the same.

Powers of Trustees

§ 3. That so much of section seven of an act, entitled, an act in relation to the towns of Cynthiana and Lawrenceburg, approved January 2, 1833, as authorizes the personal property of an occupant of real estate, other than the owner of the same, to be levied upon for the payment of the town tax due thereon, be and the same is hereby repealed, so far as relates to the town of Cynthiana.

Part of act of 1833 amended.

§ 4. That an act, entitled, an act to amend the charter of the Cynthiana fire company, shall be and is hereby so amended as that the trustees of the town of Cynthiana shall be required to levy a tax to the amount of fifty dollars on said town, as provided in said act, annually, and

May levy a tax for benefit of fire company.

1850.

pay over the same to the treasurer of said fire company, whenever such company shall have been organized according to the provisions of the charter of said company, and as long as such company shall continue to exist.

Approved December 21, 1850.

CHAPTER 120.

AN ACT to incorporate the Hebrew Beneficial Society, of Louisville.

Members in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Abraham Samuelson, H. Stern, Moritz Godshaw, I. Lerch, F. Bamberger, F. Rothchild, and B. H. Gotthelf, and their associates, the present members of the Hebrew beneficial society of Louisville, and their successors, be and they are hereby constituted a body politic and corporate, by the name of the Hebrew beneficial society of Louisville, and, by that name, shall have perpetual succession, and are empowered and rendered capable to receive, by gift, grant, purchase or devise, such real estate and personal property as may be necessary for the proper enjoyment of their corporate rights as a benevolent society, not exceeding one hundred thousand dollars in value; and that they may sell, exchange, convey, transfer, and assign the same at pleasure; and may form and adopt a constitution and by-laws, not inconsistent with the laws and constitution of this commonwealth and the United States, for the government of said society, and for the regulation and conducting of its affairs.

May elect off-
icers.

§ 2. The said society may elect, at such times as they may by their by-laws determine, a president, vice president, treasurer, secretary, and trustees, and such other officers as they may think fit to elect and appoint.

How process
may be served.

§ 3. That said society may sue and be sued, by its corporate name; and in all suits against the society, service of process upon the president, and, in his absence, on the vice president, or secretary, or treasurer, shall be sufficient.

In case of dis-
solution prop-
erty to vest in city
of Louisville.

§ 4. That in the event that said society should ever be so reduced in number as to contain less than six members, then it shall, *ipso facto*, be dissolved; and all property which shall then belong to it, shall be vested in the city of Louisville, for the use of the public schools thereof.

§ 5. The general assembly shall have power to alter, change, amend, or repeal this act at pleasure.

Approved December 21, 1850.

CHAPTER 121.

AN ACT to amend the charter of the Lexington and Frankfort Railroad Company, and Louisville and Frankfort Railroad Company.

May dispose
of their bonds.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fourth section of the act, ap-

proved February 28, 1848, entitled, "an act to incorporate the Lexington and Frankfort railroad company," be and it is hereby so amended as that the president and directors of said company shall, in addition to the other powers thereby conferred, be further authorized and empowered to dispose of the bonds of said company having not more than five years to run, and for an amount not exceeding fifty thousand dollars, for the best prices they can obtain: *Provided, however*, if said president and directors should sell said bonds below par, they shall be first indorsed, and their payment guarantied by a majority of the directors of said company, in their individual character and on their individual responsibility.

§ 2. That so much of the twentieth section of the aforesaid recited act as limits the freight to be charged by said company for the transportation of goods, produce, merchandise or property on their railway, be and the same is hereby repealed; and said company shall have power to charge for tolls and the transportation of goods, merchandise, produce, or property of any kind whatsoever, transported by them along said railway, any sum not exceeding the following rates, viz: for transporting single packages any distance, weighing less than one hundred pounds, twenty-five cents, and at that rate if such package weighs more than one hundred pounds; for transporting goods, merchandise, produce, or property of any description, weighing over sixty-five pounds to the cubic foot, not more than four mills per hundred pounds, per mile; for transporting any goods, merchandise, or property, weighing more than forty-five pounds and less than sixty-five to the cubic foot, not exceeding fifteen per cent. over the rates allowed to be charged for heavy merchandise; for transporting any goods weighing more than twenty and less than forty-five pounds to the cubic foot, not exceeding thirty per cent. over the same rates; and that in the transportation of goods, merchandise, or property, weighing less than twenty pounds to the cubic foot, said company shall have the right to estimate each cubic foot as weighing twenty pounds, and to charge for the transportation of the same at the rates hereby fixed. Silver and gold bullion, money of all descriptions, and mails, are excepted from the rates herein established, and the board of directors, or their agents, shall be and they are hereby authorized to contract specially for their transportation, upon such terms as the parties interested therein may agree upon.

§ 3. That the president and directors of the Louisville and Frankfort railroad company may adopt the provisions of the second section of this act; and when the same shall be adopted by them, they, or their agents, shall have the right to charge the same rates, for the transportation of the same articles on the Louisville and Frankfort railroad, as are al-

1850.

Provide.

Charges for
freight regulated.Louisville and
Frankfort rail-
road may adopt
provisions of
second section.

1850.

lowed to be charged, by said second section, by the president and directors of the Lexington and Frankfort railroad company, as fully as if said section was specially applied to them.

Approved December 21, 1850.

CHAPTER 122.

AN ACT to authorize and require the trustees of the town of Glasgow to put and keep the streets and alleys of said town in good order.

Who required
to work on the
streets & alleys.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Glasgow are hereby authorized to require and cause every free male citizen of said town, over the age of sixteen years and under the age of fifty years, to work on the streets and alleys of said town, as often and as long as may be necessary, to put and keep the streets and alleys of said town in good order for travel and transportation: *Provided*, that any person subject to work, by virtue of this act, may furnish a substitute to work in his place.

Penalty on
trustees for fail-
ing to keep the
streets & alleys
in repair.

§ 2. *Be it further enacted*, That if the trustees of said town, and their successors in office, shall fail or refuse to put and keep the said streets and alleys in good order, they shall be subject to be presented by the grand jury of Barren county, in the same manner that surveyors of highways are now subject by law to be presented; and if, upon the trial of any such presentment, the court shall be of the opinion that said trustees have failed to put and keep said streets and alleys, or any one of them, in good order, they shall be by said court fined in any sum not exceeding five pounds.

Penalty for
failing to work
on streets and
alleys.

§ 3. *Be it further enacted*, That if any person subject to work on said streets and alleys, under the provisions of this act, shall fail to do so, after having had one day's notice, to be given by the trustees or their agent, of the time and place at which he is required to work, shall forfeit and pay the sum of one dollar and twenty-five cents for each day he so fails or refuses to work, which sum may be recovered before any justice of the peace of Barren county, and shall be applied to lessen the town tax of said town.

Approved December 21, 1850.

CHAPTER 123.

AN ACT to incorporate the Savings Bank of Fleming county.

Bank establish-
ed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby created, to be located in the town of Flemingsburg, "the Fleming county savings bank," and the stockholders of which, their succes-

sors and assigns, by that name, shall be a body corporate, with perpetual succession, and which may sue and be sued, contract and be contracted with; have and use a common seal, and the same to break, change, and alter at their pleasure; purchase and hold, sell and convey, and take by gift, all such real estate and personal property necessary and requisite to carry out its legitimate purposes and the intent and object of its creation: *Provided*, said corporation shall, within five years from the accrual of the right of property, either legal or equitable, in any real estate which may be taken as security for any debt or demand due to it, or which may be purchased in satisfaction of any debt or demand due to it, or under any judgment or decree of any court, sell, convey, and finally dispose of the same; otherwise, the same shall be forfeited by proceeding in chancery, one-half to the use of the relator, who shall sue in behalf of the attorney general, and the other half to the use of common schools, to be set apart as a portion of the capital stock of the common school fund; but nothing herein contained shall be construed to authorize the said corporation to purchase any real or other property, under execution or decree aforesaid, unless the said execution or decree shall be for the use and benefit of said corporation.

1850.

Corporate
powers.

§ 2. The capital stock of said institution shall be ten thousand dollars, which may be increased by the board of directors, upon the vote of a majority, in interest, of the stockholders, to the sum of fifty thousand dollars; and the said increase of the stock may be made at different times, but not to exceed, in all, the sum of fifty thousand dollars. The shares shall be fifty dollars each; and Thomas W. Fleming, James Dudley, Samuel Stockwell, jr., D. R. Stewart, John Heddleston, sr., Elisha Fitch, John R. Ringo, Geo. S. Fleming, Robert Armstrong, William T. Howe, Harvey T. Wilson, Garnett Hickerson, John Donaldson, William Crain, sr., Thompson Brown, William H. Cord, Moses Kirk, and William T. Hendrick are appointed commissioners, who, or a majority of whom, shall open books and procure subscriptions of stock in said bank, at such times and places as a majority of those who act shall direct and appoint; and such as shall act are invested with as full and complete power as if all concurred. A majority of those who may act are authorized to appoint any other commissioners to procure, in like manner, stock subscriptions at such places as they may appoint; but in all cases the times and places of opening books, and the object thereof, shall be advertised for at least ten days before the time, by such written or printed advertisement as they may direct; and after the said sum of ten thousand dollars shall have been subscribed, a majority of the commissioners, who shall act, shall order an election of a president and five directors by the stockholders thereof, at such times and places as they may direct, and after ten days' notice of the same.

Capital stock.

Commissioners.

1850.

Duty of the
president.

§ 3. The president shall preside at and over all meetings of the board of directors, superintend all elections of officers, in such manner and times and at such places as is herein prescribed, or may be prescribed by the board of directors, and do all other acts which they may direct, not inconsistent with and contrary to this charter. He shall sign all bonds, bills, assignments, conveyances, and other writings which the board of directors may direct to be signed.

Cashier and
other officers to
be elected.

§ 4. The directors shall elect a cashier, and all such other officers, attorneys, and agents as they may think necessary for the use and benefit of said institution. They shall prescribe the place and mode of conducting all elections after the first. They shall have power to make all necessary rules, regulations, and by-laws for the government of the corporation, prescribe the terms on which deposits may be received and paid out, and direct in what manner stock may be transferred. They shall keep a journal of their proceedings, acts, and orders, and may, by order and without seal, make any contract they are hereby authorized to make, which shall be as fully binding on said bank, and may be sued on as if it was made by a natural person, or may authorize any one by order to do so.

Business of
the bank.

§ 5. The business of said bank shall be to receive money, plate, and other valuables on deposit, and deal in gold and silver coin, and bullion, and loan the same; to deal in bills of exchange, receive promissory notes by assignment as security for money loaned, and purchase and sell promissory notes; and do all other acts a bank may of right do, except it shall not issue any bill, bond, note, certificate of deposit, or other written or printed obligation or instrument as money, nor for any other purpose, or in any other manner, unless by assignment. All bills of exchange and notes drawn by the bank, payable to it or to any other banking institution, shall be on the footing of foreign bills of exchange: *Provided*, none of the parties to said bills shall be liable to damages as in foreign bills of exchange. The bank shall receive any sum, not less than one dollar, on deposit, during banking hours; and infants, married women, and any person authorized to contract, and corporations and bodies politic, may deposit and control their deposits. Any depositor, or joint depositors, by making known his, her or their intention to be a stockholder or stockholders, and have said intention entered on the journal of the board of directors and the books of the corporation, shall be entitled to dividends in proportion to the amount so deposited, and from the time so deposited, as stock; and such depositor, or joint depositors, may, in the like manner, at the same or different times, make other deposits, until the whole amount thereof shall be equal to one share of stock, when a certificate of stock shall be issued to him, her or them; and so he, she or they may go on and deposit, and receive cer-

tificates of deposit, from time to time, when the amount of money, property, or dividends so deposited shall equal one share. Not more than six per cent. shall be charged for the loan or forbearance of payment of any money or property, or for the guaranty or safe-keeping of any by said bank.

§ 6. If any person or persons, jointly or severally, shall make any deposit authorized herein, in pursuance of this charter, and said bank shall fail or refuse to pay the same within three days after demand, then said bank shall pay to said person or persons ten per cent. damages; and if, afterwards, said bank shall fail or refuse to pay said deposit within three days, it shall pay double the amount of the original deposit, and so on for every failure after ten days. And if, after thirty days after the first failure or refusal to pay, it shall still fail or refuse to pay, it shall forfeit its charter. If said bank shall, from any cause, forfeit its charter, any person or persons interested in said bank, by being a stockholder, creditor, or other citizen of the state, may file his, her or their bill in chancery in the Fleming circuit court, and pray for a forfeiture of said charter; and if the court shall be of opinion that the allegations of said bill are sustained by the proof, it shall appoint not more than three commissioners, who shall take control of the assets of said bank, as assignees thereof, and, under the orders of said court, pay out the same according to the amount thereof, and the debts against it.

§ 7. No person shall be president, cashier, or director of said bank, unless he shall be *bona fide* the holder and owner of at least two shares of stock. The officers first elected shall hold their offices until the first Monday in January thereafter, and until their successors are duly installed into office; and after the first election, every regular election shall be held on the first Monday in January in every year; and a majority of all the directors shall concur to make valid every act of said board of directors.

§ 8. No officer of said bank shall become indebted to it, at any one time, any sum exceeding five hundred dollars; and if said bank shall be guilty, at any time, of any fraudulent act, the officers shall be personally liable, jointly and severally, to the party injured.

§ 9. There shall be paid, at the time of subscribing stock, to said commissioners, the sum of five dollars on each share subscribed; and, after the election of officers, calls shall be made in such manner as the board of directors may direct, until all is paid. If any subscriber to the capital stock shall fail or refuse to pay up his, her or their calls for thirty days after the same shall become due, then he, she or they shall forfeit double the amount of said call; and if, for thirty days thereafter, he, she or they shall still fail or refuse to pay said call, then he, she or they shall forfeit three times the amount thereof; and after sixty days, shall forfeit the

1850.

Penalty for failing to pay deposits.

Directors must be stockholders.

Limit of indebtedness of officers.

Payments on stock subscribed

1850.

stock subscribed to said bank, to be recovered, with the damages, for the use thereof. The dividends of said bank shall be made of its profits semi-annually, on the first Mondays in January and July in every year, and paid or passed to the credit of the shareholders.

When bank to be put in operation.

§ 10. The bank shall go into operation within five years from the passage of this act; otherwise, the same shall be null and void.

Power reserved.

§ 11. The general assembly hereby reserves the power to change, alter, amend, modify, or repeal this charter at any time, except that vested rights shall not be thereby affected.

Approved December 21, 1850.

CHAPTER 125:

AN ACT to amend an act, entitled, "an act for the benefit of Common Schools in Graves county, and for other purposes."

May sue for recovery of money loaned.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky;* That it shall be lawful for the treasurer appointed by the county court of Graves, and now in office by virtue of the act to which this is an amendment, to sue, in any court of this state having jurisdiction in like causes, either at law or in equity, for the recovery of all such sums of money as may be due him, as treasurer, on account of money loaned or otherwise due, in virtue of the act to which this is an amendment; and it shall and may be lawful for any person hereafter appointed treasurer by virtue of said act, either in his own name or that of his predecessor, either at law or in equity, to sue for and recover of the debtor all such sums of money as may be due by virtue of said act; and should the person in whose name such suit may be commenced go out of office pending such suit, the same may be continued and prosecuted in the name of such person, or his representative, to final judgment, and the money collected and paid over to the successor of such person.

Judgment shall be rendered for principal and 10 per cent. interest

§ 2. That upon all sums of money falling due by virtue of the act to which this is an amendment, and not promptly paid, and for the recovery of which suit may be brought, judgment shall be rendered for the principal debt, with ten per cent. interest, from the time due until paid.

Duty of county attorney of Graves.

§ 3. That it shall be the duty of the county attorney of Graves county to superintend and examine the settlements made by the treasurers appointed by virtue of this act, and the one to which it is an amendment, and to see that their duties have been faithfully discharged; and it shall also be his duty, as attorney, free of charge, to institute and prosecute all such suits or motions as may become necessary by virtue of this and the act to which it is an amendment.

§ 4. That it shall be the duty of the clerk or other proper officer to issue all such process, and to discharge all other duties that may devolve on him or them, when a suit shall be instituted by virtue of this act and the act to which it is an amendment, free of charge; and the sheriff or other officer shall execute all process issued and directed to him or them, by virtue of this and the act to which it is an amendment, free of charge.

Approved January 16, 1851.

1851.

No charge to be made by clerks & others for services rendered.

CHAPTER 126.

AN ACT to incorporate Hancock Division, No. 12, Sons of Temperance, of the State of Kentucky.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Hancock division, No. 12, sons of temperance, of Hawesville, Kentucky, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of "Hancock division, No. 12, sons of temperance, of the state of Kentucky," with perpetual succession; and, by that name, shall be capable, in law, of contracting and being contracted with, of suing and being sued, of purchasing and holding property of any kind, and of selling, conveying, and disposing of all such property as they may now have, or may hereafter acquire: *Provided*, the amount vested in real estate shall at no time exceed ten thousand dollars, in addition to the buildings to be erected thereon.

Members incorporated.

§ 2. That it shall be lawful for said corporation to have a common seal for their use, and change, alter or renew the same at pleasure, and shall, in general, have and exercise all such rights, privileges, and immunities as, by law, are incident or necessary to corporations, and that may be necessary to enable said division to exercise and carry out its objects for the relief of the sick and distressed, and for the promotion of their purposes generally.

Corporate powers.

§ 3. That the management of the concerns of said corporation is hereby confided to three trustees, whom the division shall appoint annually, and who, or a majority of whom, shall have full power to make all contracts pertaining to the business of the division, either in purchasing, building, renting, or for any other purpose, which shall be obligatory on the division, when made and done according to and in pursuance of the constitution and laws of this state, the constitution, by-laws, and instructions of the division. When a vacancy in said board shall occur, by or in consequence of death, resignation, removal from the county, or from ceasing to be a member of said division, the division may proceed to fill the same at any time, and may remove any or all of the trustees at pleasure, and fill all vacancies therein. All suits by or against said division.

Trustees to be elected.

Vacancies, how filled.

1851.

shall be in the name of or against "the trustees of Hancock division, No. 12, sons of temperance, of Hawesville, Kentucky," by name; and service of process or notice on any trustee shall be sufficient notice to said corporation.

§ 4. That should said division at any time be discontinued, the property and real estate belonging thereto shall be for the use of such of its members as shall then be of good standing.

§ 5. The general assembly hereby reserves the right to change, amend, or repeal this act at pleasure.

Approved January 16, 1851.

CHAPTER 127.

AN ACT to incorporate the Greenville Institute.

Whereas, Samuel G. Mullins has, by unaided efforts, established at the Greenville springs, near the town of Harrodsburg, at a cost of about \$20,000, an institution for the education of females, which has been in successful operation for the last ten years, under the name and style of the "Greenville institute;" and whereas, it is desirable to elevate further the character and promote the usefulness of said institution by increasing its facilities for the accomplishment of a thorough and rational education, far beyond the means of individual enterprise. Therefore,

Name and style.

Trustees.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said institution of learning shall be and it is hereby established and incorporated, under the name and style of the "Greenville institute," and that John B. Bowman, Thomas J. Moore, Philip B. Thompson, Beriah Magoffin, James Taylor, and John G. Handy, of Mercer county; Samuel Ayres, of Boyle county; John Duncan, of Madison county; Joseph Bryan, and George W. Eelly, of Fayette county; George W. Trabue, of Glasgow; H. T. Anderson, of Louisville; Thomas Welch, of Crab Orchard; and W. Templeton Withers, of Cynthiana, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of the trustees of the "Greenville institute;" by which name they shall have perpetual succession, and a common seal, with power to change the same at pleasure.

Powers of the trustees

§ 2. The said trustees, and their successors in office, shall have power to receive, acquire and hold, for the benefit of said institution, by donation, devise or purchase, any lands, tenements, money, or other property or estate, real, personal or mixed, not exceeding the sum of one hundred thousand dollars; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of competent jurisdiction.

§ 3. The stock of said institute shall be divided into shares of five dollars each, to be paid as the by-laws of the same shall direct, which stock shall be a perpetual fund for the purposes of education in science, literature, and the arts; but no dividend shall ever accrue therefrom to any stockholder, nor shall said fund be ever applied to any purpose not herein specified.

§ 4. The stock and estate of every description belonging to said institute shall be exempt from taxation and from liability to execution for the indebtedness of the stockholder.

§ 5. Each stockholder shall be entitled to receive, in tuition, from said institute, at the rate of six per cent. per annum upon the amount of stock taken, from the date of its payment; and every stockholder subscribing for and paying the amount of one hundred shares, shall be entitled to perpetual tuition for one scholar in said institute.

§ 6. The persons named as trustees, in the first section of this act, may elect, from their own body, a president, secretary, and treasurer, who shall have power to open books for the subscription of stock, and, upon its payment, issue certificates of the same. Said trustees shall also have power to make all needful rules and by-laws, for the proper management of said institute and the regulation of its various departments, not inconsistent with the constitution of this state or of the United States. They shall have power to employ any officers, agents, and teachers—fix salaries or regulate their pay—to control and manage the affairs of said institute, agreeably to its charter and by-laws, and to confer degrees of honor and merit, and diplomas of graduation in literature, science, and the arts. They may prescribe such course of studies as they may deem best. They shall have power to fill vacancies in their own body, and shall hold their offices for one year after their election, and until their successors in office are elected. A majority of said board of trustees, of which the president or principal in said institute shall be chairman, shall constitute a quorum for the transaction of business at all times, and may hold their meetings at such times and places as they may appoint. They may regulate and prescribe the duties of the officers and agents of the board, and require such security as they may deem sufficient to insure a faithful performance of the same.

Approved January 16, 1851.

CHAPTER 128.

AN ACT for the benefit of Clement Conner, late sheriff of Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Clement

1851.

Stock, how divided.

Stock & estate exempt from taxation.

Right of stockholders.

Further powers.

1851.

Conner, late sheriff of Montgomery county, at any time within two years next hereafter, to collect, or list for collection with the proper officer or officers of this commonwealth, any and all fee bills, or list or lists of taxes of any kind or description, which were in his hands, as sheriff, during the years of 1837 and 1838, and which have not heretofore been collected; and the said Conner and the said officer or officers shall have and possess the same power and authority, in the collection of said fee bills and taxes, as the said Conner had, as sheriff of Montgomery county, in the years aforesaid.

Approved January 16, 1851.

CHAPTER 129.

AN ACT for the benefit of Iron Masters in Caldwell county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Caldwell county court, whenever the owner of any furnace, forge, or rolling mill, erected for the manufacture of iron, in said county, shall make application to be appointed the surveyor of any public road, or a precinct thereof, which may lead to, or go froth, or pass by any such furnace, forge or rolling mill, to make said appointment: *Provided*, that it shall be the duty of said court to appoint the owner of said furnace, forge or rolling mill the surveyor of said precinct of said public road.

§ 2. That it shall be the duty of the surveyor of said precinct of said road to keep the same in good order, and be subject to the same penalties now in force against the surveyors of the public roads in this commonwealth, and, for good cause, may be removed: *Provided*, that the precinct of said road, to be laid off according to the provisions of this act, shall not be less than two nor more than three miles of said road, of which it shall constitute a part.

§ 3. That it shall be the duty of the surveyors appointed by this act, with the hands in his employ or under his control, to keep the said precinct in good repair; and it shall not be lawful for the county court of Caldwell to appoint said owner of said furnace, forge or rolling mill, or his hands, to work on any other precinct or public road in said county of Caldwell.

Approved January 16, 1851.

CHAPTER 131.

1851.

AN ACT for the benefit of Wm. J. Sanford, sheriff of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William J. Sanford, sheriff of Boone county, is allowed until the first Monday in March next to return his delinquent list.

Approved January 16, 1851.

CHAPTER 134.

AN ACT for the benefit of William R. Gough, of Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the receiver of public moneys for the land district west of the Tennessee river be authorized and directed to refund to William R. Gough, of Graves county, sixty dollars, out of any unexpended money in his hands, or that may hereafter come into his hands for public lands, the amount paid by said Gough for three quarter sections of land, viz: the southeast and southwest quarter sections of twenty-two, township six, range two east, and the northwest quarter of section twenty-six, township six, range two east, which land is now known to be covered by a military claim belonging to Doherty's heirs: *Provided*, that no money shall be refunded to the said Gough until he shall have released, on the books of the receiver, all manner of benefit by reason of entries of said land.

Approved January 21, 1851.

CHAPTER 135.

AN ACT for the benefit of Ephraim Smith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ephraim Smith, formerly of the county of Boyle, state of Kentucky, but now of Missouri, be and he is hereby authorized and empowered to remove, from this state to the state of Missouri, the negroes emancipated by the will of Elizabeth Rogers, and bound to the said Smith by an order of the Boyle county court, until they arrive at the age of twenty-one years; the said Smith being entitled to the services of the said negroes, under the said will, until they arrive at that age: *Provided, however*, that the said Smith, before the removal of the said slaves, shall execute bond, payable to the commonwealth, in the penalty of ten thousand dollars, before the clerk of the Boyle county court, approved by the said court, conditioned that he will treat said negroes humanely; that he will record the evidences of the emancipation of said negroes, in that county of the state of Missouri where he shall first settle with himself and family, and that he will comply with the

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conditions of the bond heretofore executed by him, before the said Boyle county court, in their being bound to him by the said court, and that he will also record the evidences of the ages of the said negroes.

Approved January 21, 1851.

CHAPTER 136.

AN ACT to amend the charter of the Clark's Run and Salt river Turnpike Road Company.

Whereas, it appears that the 21st section of an act incorporating the Clark's run and Salt river turnpike road company, has been complied with, and five miles of the said road have been completed, and examined and received as required by said section, and the president and directors of said road having erected a toll gate upon said five miles of said road, they are desirous of having closed up the old road contiguous to said turnpike road; and it appearing that a majority of all the justices of the peace for Boyle county cannot be found who are willing to sit as a court in the case of the said turnpike road company, owing to the fact that six members of said court are stockholders in said road, one other justice, who, together with the six interested justices, constitute a majority of all the justices of said county, is unable to attend said county court for the purpose of closing up said old road. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any three of the justices of the said county of Boyle, not interested in said turnpike road, at any county court after the passage of this act, and notice of the same having been posted at the court house door ten days previous to the holding of said court, be and they are hereby authorized and empowered to have the said old road contiguous to said turnpike road closed up as far as the said turnpike road crosses Salt river; and the same shall be as binding and effectual as if done by a majority of the county court of Boyle.

Approved January 21, 1851.

CHAPTER 137.

AN ACT to amend the act incorporating the Warsaw Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Gallatin county court, and the trustees of the town of Warsaw, by such agents as they may appoint, to vote at any election at which other stockholders shall vote, provided they appoint one agent for each thousand dollars of stock which they may have in said road.

§ 2. That if any person or persons, owning, riding in, or driving any carriage, cart or wagon of freight or pleasure, or riding, leading or driving any horse, mule, or any description of stock, shall pass through any of the toll gates erected, or to be erected, on the Warsaw turnpike road, without paying the tolls fairly due from him, her or them, or shall evade the payment of tolls by passing around any of said gates, or shall practice any artifice or device with the intention of evading or lessening the tolls, every person or persons so offending shall, for every such offense, forfeit and pay to the president and directors of said company the sum of five dollars, to be sued for and recovered, with costs of suit, before any justice of the peace in this commonwealth, upon warrant returnable forthwith, upon which judgment and execution may issue forthwith.

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Approved January 21, 1851.

CHAPTER 138.

AN ACT to confirm a sale made to S. S. Atwell, by the Second Auditor, of a house and lot in Brandenburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sale made by Francis Peyton, as agent of the second auditor, to S. S. Atwell, of a house and lot in the town of Brandenburg, be and the same is hereby confirmed, and all the right, title and interest of the commonwealth in and to said house and lot is hereby vested in the purchaser aforesaid.

Approved January 21, 1851.

CHAPTER 141.

AN ACT to incorporate the Hall of Simpson Division, No. 75, Sons of Temperance.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James W. Moore, president, and Jason Neely and Durham Hail, directors, and their successors and associates in office, be and they are hereby created and declared a body corporate and politic, to be known by the name and style of the president and directors of the hall of Simpson division, No. 75, sons of temperance.

Directors incorporated.

§ 2. They shall hold, for the use and benefit of the stockholders, all estate, real, personal or mixed, that is or may hereafter be conveyed to them for that purpose; and shall have the power, by that name, of contracting and being contracted with, of suing and being sued: *Provided*, that they shall not have the power of making contracts affecting the interests of the stockholders, except in accordance with the wish or order of said stockholders, previously expressed in a meeting of the same; and in the transaction of their

Corporate powers.

1851.

Term of office
of directors.

corporate business, they shall be governed by the rules and restrictions that may be thrown around them by said stockholders, who shall have the power of electing the trustees.

§ 3. The said president and directors shall hold their offices until their successors shall be elected; and said division shall determine the time of election and duration of office: *Provided*, that the president and directors shall have power to elect any person to fill the unexpired term in any of those offices becoming vacant by death, resignation, or otherwise: *and, provided further*, that the president and directors shall, in all cases, be sons of temperance and bers of said division; and said division shall have power to remove from office, for malfeasance or misfeasance, on conviction by proof, any of those officers, and may, if they think proper, increase the number of said directors.

Rules, &c. to
be prescribed by
division.

§ 4. Said corporation shall have perpetual succession, under such rules as may be prescribed by the division aforesaid, or by the stockholders, not inconsistent with the constitution and laws of this commonwealth; and, in the transaction of their corporate business, shall be governed by this act, and by the terms of the article under and by virtue of which they subscribed their stock to said company.

§ 5. The general assembly hereby reserves the power to repeal or modify this act at pleasure.

Approved January 21, 1851.

CHAPTER 142.

AN ACT to repeal so much of an act, approved February 23, 1849, as declares Three Mile creek, in Lawrence county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act declaring certain streams in Floyd, and other counties, navigable, approved February 23, 1849, as declares Three Mile creek, in Lawrence county, a navigable stream, be and the same is hereby repealed.

Approved January 21, 1851.

CHAPTER 143.

AN ACT to amend an act, entitled, an act to amend the charter of the Town of Bowlinggreen, approved March 5, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first section of an act, entitled; an act to amend the charter of the town of Bowlinggreen, approved March 5, 1850, be and the same is hereby so amended as to read as follows, to-wit: that on the northwest side of said town, (starting from the court house,) the line bounding the northwest side of Clay street, being the

1851.

fifth street from the court house, shall become a governing line in fixing the boundary of said town. That on the southwest side of said town a line four hundred and twenty feet southwest of the second street, lately laid off by Covington's heirs as an addition to the town, which line shall be parallel with Plain street, and distant therefrom twenty-six hundred and seventy feet, and, as thus fixed, shall become a governing line on the southwest. That on the southeast side of said town a line parallel with and four hundred and twenty feet southeast of the third street, in Skiles' enlargement, which is the fourth street in that direction from the court house, and the aforesaid line, thus described, shall be the governing line on the southeast. That on the northeast of said town, the northeast line of Perry street, in Moon's river addition to said town, which is the seventh street in that direction from the court house, shall become a governing line on that side; said governing lines shall be extended until they intersect at each corner, and all the town lots, streets, roads, and land within said boundary, and all additions to said town, laid off into town lots and streets, outside of the same, that have been regularly added to said town by order of the county court, and now recognized as in town, together with a square half acre lot adjoining lot number one hundred and twenty-four, and fronting Clay street, including the dwelling house of John B. Helm's farm, added by consent, the whole boundary thus described is hereby declared to be the town of Bowlinggreen; and all persons and property within said boundary shall have and enjoy equal rights and privileges; and all laws and municipal regulations heretofore passed for the government of said town, are hereby extended over the same.

Approved January 21, 1851.

CHAPTER 144.

AN ACT for the benefit of Jesse Casity, late Sheriff of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jesse Casity, late sheriff of Morgan county, shall have the further time of two years, from the passage of this act, to distrain for and collect the arrearages of tax and fee bills due him from the citizens of said county, any law to the contrary notwithstanding; but said Casity shall be subject to all the laws now in force for any breach of his legal duties.

Approved January 21, 1851.

1851.

CHAPTER 145.

AN ACT for the benefit of Nathan B. Lowe and Joshua West.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor is hereby directed to issue his warrants on the treasurer, in favor of Nathan B. Lowe and Joshua West, for thirty-five dollars, each, for apprehending Reuben Reed, who had escaped from custody under a charge of felony.

Approved January 21, 1851.

CHAPTER 146.

AN ACT to amend the Police law of the town of Bedford, in Trimble county.

May grant attachments, &c.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate the town of Bedford, approved March 5, 1850, be and the same is hereby so amended as to give the police judge of said town power to grant attachments at law and in chancery, and to hear and determine all cases for alleged breaches of the penal laws of this state, as justices of the peace now do.

Try all infractions of town laws.

§ 2. That it shall be the duty of said police judge to issue his warrant against, and of the marshal of said town to apprehend, all persons charged with infractions of the ordinances of said town, and charged with the commission of offenses over which he has jurisdiction; and for every omission or neglect of his official duty, said marshal shall be subject to a fine of five dollars, to be recovered in the name of the trustees of said town before any justice of the peace of Trimble county, to be applied to the improvement of said town.

Approved January 21, 1851.

CHAPTER 148.

AN ACT to repeal an act declaring Whippoorwill a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to declare Whippoorwill a navigable stream, approved January 20, 1847, be and the same is hereby repealed.

Approved January 21, 1851.

CHAPTER 149.

AN ACT to amend an act for the benefit of William Joshua Barney, and Georgianna, his wife.

Whereas, it is represented that by virtue of an act of the general assembly, entitled, an act for the benefit of Wm.

Joshua Barney, and Georgianna, his wife, approved March 1, 1850, said William and Georgianna have sold, by executory contract, the lot in said act mentioned, and that, by reason of the misdescription of said lot in said act contained, a difficulty has arisen in the execution of said contract. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said act of the general assembly be hereafter read and construed as if the words "on the southwestern corner of Madison and Mulberry streets," were inserted in said act, instead of the words "on the northwestern corner of Madison and Mulberry streets," as there found.

Approved January 21, 1851.

CHAPTER 180.

AN ACT for the benefit of the sheriff of Caldwell county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sheriff of Caldwell county be and he is hereby allowed six months, from and after the expiration of his term of office, to wind up and settle the unfinished business that may be in his hands at the time his said term of office shall expire: *Provided,* that the sureties of said sheriff shall appear at the county court for said county, and, in open court, consent to stand further bound upon their penal bond for the faithful performance of said sheriff for the time aforesaid, which consent shall be entered on the records of said court.

§ 2. That said sheriff shall, within the time aforesaid, be authorized to collect all such taxes, muster fines, and fee bills, as may be in his hands, due and collectable in said county at the expiration of his said term of office; and he shall be and is hereby authorized and empowered to distrain for and collect the same, any law to the contrary notwithstanding.

§ 3. That said sheriff shall be liable to an action for any illegal distress which he may make, under this act, in the collection of said taxes, muster fines, and fee bills, to the party who may be aggrieved, and, upon conviction thereof, shall pay such damages to the aggrieved party as a competent tribunal shall adjudge against him, and shall also be subject to the laws now in force in this commonwealth against collecting illegal fees and making illegal distress.

Approved January 21, 1851.

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CHAPTER 151.

AN ACT to reduce the corporate limits of the town of Monticello.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to extend the limits of the town of Monticello, and to amend the laws in relation thereto, approved March 4, 1850, be and the same is hereby repealed, so far as the limits of said town were extended by said act, and no further.

Approved January 21, 1851.

CHAPTER 152.

AN ACT to authorize the county court of Nicholas county to change, alter, or discontinue a state road in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the state road from Paris, in Bourbon county, by the mouth of Fleming, Flemingsburg, and the Ohio salt licks, in Lewis county, to meet the Virginia state road at the mouth of Big Sandy, established by an act, entitled, "an act for opening and establishing a state road," approved February 16, 1808, as lies within the limits of Nicholas county, be placed under the jurisdiction and control of the county court of said county, according to the provisions of the laws regulating other public county roads; and that said court shall have power to change, alter, or discontinue any portion of said state road, in said county, under the same rules, regulations, and restrictions which apply to other public roads over which said court has jurisdiction.

Approved January 21, 1851.

CHAPTER 153.

AN ACT to establish the Police Court of Flemingsburg.

Court established.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established, in the town of Flemingsburg, a court to be called the police court of Flemingsburg, the judge and marshal of which shall be elected in the manner, at the times, and for the terms pointed out in the constitution.

Jurisdiction and powers.

§ 2. The said court shall have jurisdiction of all violations of the ordinances of the town of Flemingsburg, and shall also have all the jurisdiction, powers, and authority, and be subject to all the restrictions of justices of the peace, as now prescribed by law; and all laws hereafter enacted, changing, enlarging, or otherwise affecting the jurisdiction of justices of the peace, except when otherwise directed, shall be applicable to said police court and the officers thereof.

§ 3. The judge of said court shall be removable in the same manner and for the same causes that justices of the peace are now, or may hereafter be removable. He shall have the same fees that justices of the peace may be entitled to for like services, and shall have power and authority to grant attachments, injunctions, restraining orders, writs of *habeas corpus* and *ne exeat*, and to administer oaths and affidavits, and certify the same; and for writing an affidavit, he shall be paid by the party procuring it, ten cents for his services. He shall be a conservator of the peace for the county of Fleming, and his jurisdiction shall extend over the county of Fleming in like manner and extent with that of justices of the peace.

§ 4. That said court shall be a court for the examination and commitment of persons charged with violations of the penal laws of this commonwealth, with the powers and under the restrictions of other courts of this commonwealth having the same authority.

§ 5. The judge of said court shall keep his own records, and shall be subject to the same penalties imposed on justices of the peace for a violation of his duty. He shall keep a docket of causes in the order in which they are tried, showing the various steps taken therein, the judgment, issual, and return of executions, and shall safely keep all papers in every cause tried by him, and make a complete index to his records and execution book, which latter shall be separate and distinct from the record book or docket.

§ 6. Appeals may be taken from the judgment of said court in the same manner and under like restrictions as are taken from the judgments of justices of the peace, and to the courts having like jurisdiction of them.

§ 7. The marshal of said court shall have the same power and authority, and be subject to the same penalties and restrictions, that constables are, and shall have the same fees for similar services that constables may, by law, be entitled to. He shall execute all the writs and precepts of said court; but in cases of great urgency, in the absence of the marshal, or where he is personally interested, the said court may direct the same to the sheriff, coroner, any constable, or other ministerial officer of the county, who shall have the same power in such cases, and be subject to the like restrictions, as the marshal of said court.

§ 8. The officers of said court shall reside within the corporate limits of the town of Flemingsburg; and the judge of said court shall possess the same qualifications as those of a justice of the peace, and the marshal those of a constable, as required by the constitution.

§ 9. The first election of officers of said court shall be held on the second Monday in May, 1851, at which time this act shall go into operation; and the judge of said court

1851.

How judge
may be removed

Further powers.

His duties.

Appeals, how
taken.Powers and
duties of mar-
shal.Officers to re-
side in Flem-
ingsburg.Election, when
to be held.

1851.

first elected shall go out of office on the first Monday in August, 1854, and the marshal shall go out of office at the same time with the sheriff elected in May, 1851. The subsequent elections for said officers shall be at the times, places, and in the manner prescribed by the constitution.

Approved January 21, 1851.

CHAPTER 154.

AN ACT to authorize the trustees of Paris to levy a tax upon the property of the citizens of said town, and upon the property within a mile of said town, to aid in the construction of the Covington and Lexington Railroad.

Whereas, the people of the town of Paris, in consideration of the great advantages which will result to them by the construction of the Covington and Lexington railroad through said town, have petitioned this general assembly to levy a tax upon them to aid in said work. Therefore,

May levy a tax. § 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of Paris be authorized, and they are hereby required to levy upon all property and estate of every description, and all money and debts, and every other right and thing that is liable to be taxed for state revenue, a tax to be paid by the owners thereof, at the rate of one per centum per annum upon the value thereof, for and during the period of three years in succession, the year 1851 to be the first year of the three: *Provided*, that no visible property shall be subject to taxation, under this section, unless it be within the limits of the said town of Paris, nor shall anything invisible be taxed unless the owner reside within the limits thereof.

May tax property outside of said town. § 2. And whereas, the citizens residing outside of said town, and within one mile from the limits thereof, from the like consideration, have almost unanimously petitioned the general assembly to pass a law directing the trustees of said town to levy upon them a similar tax for a like purpose—*Be it further enacted*, that the said trustees of Paris be authorized, and they are hereby required to levy a tax, at the same rate and for the same period, upon all estate and property of every description, and all money and debts, and every right and thing, situate and being without the limits of the town of Paris, and within a mile therefrom, the said tax to be paid by the owners thereof, subject to the like exceptions provided for in the first section of this act: *and, provided further*, that any person who may be liable to the payment of taxes, under this section of this act, and who may not have petitioned so to be taxed, shall, upon filing a protest, in writing, against the payment of the same, with the said trustees, be exempt from the payment thereof.

Proviso.

§ 3. That the said trustees shall have power to appoint an assessor and collector of tax, under this act; and all laws regulating the powers and duties of commissioners and collectors of the state revenue, and to compel lists of taxable property to be given by the owners thereof, shall be applicable to the aforesaid assessor and collector, and to every person subject to be charged with the payment of tax under this act.

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Assessor and collector to be appointed.

§ 4. That tax payers, under the provisions of this act, may pay their tax to the treasurer of the town of Paris, on or before the first day of September of each year, and after that day a list of all such as may not have paid their tax to the treasurer, as aforesaid, together with the amount of tax due by them, shall be placed by the board of trustees in the hands of the town collector, whose duty it shall be to collect the amount due on said list, and pay the same to the treasurer on or before the first day of January next after he shall have received said list; and as a compensation for collecting the same, he shall be entitled to receive and collect from each tax payer seven per cent. upon and in addition to the amount of his or her tax.

Tax may be paid to treasurer of Paris.

§ 4. That when said tax shall have been annually collected, the said trustees shall subscribe its net amount as capital stock in the said Covington and Lexington railroad company, and pay the same to the proper officer thereof; and thereupon, all persons who may have paid any part thereof, or the legal representative of such person, shall be entitled, like other stockholders, to a certificate of stock to the amount of net tax such person may have so paid; and such persons as may have subscribed and paid stock in said company, shall be credited by the amount he or she has so paid.

Amount of said tax to be subscribed to Covington and Lexington railroad.

§ 5. That said trustees shall require the collector and treasurer to enter into bond, with sufficient penalty and good surety, conditioned that they will severally discharge the duties required of them by this act, and by such orders of the board of trustees as shall be made in accordance therewith.

To give bond.

§ 6. That any certificate of stock obtained by any tax payer under this act, may be transferred by written assignment thereon, and such assignment shall convey to the assignee of said certificate all the rights and immunities that belonged to the original owner thereof.

Certificates transferable.

Approved January 21, 1851.

CHAPTER 155.

AN ACT to incorporate the Henry Female College.

Whereas, it is represented to the general assembly, that Samuel Sumner has established a large female school at

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New Castle, in the county of Henry, which promises great usefulness to that portion of the state, and that, with the aid afforded him by the citizens of said town and vicinity, he has now in progress of construction a large edifice, in which to conduct said school, and said Sumner being desirous of having said institution incorporated, with appropriate powers and privileges, and said house being still unfinished and the school without a library, apparatus, or means. Therefore,

Trustees incor-
porated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a college of learning be established in the county of Henry, at New Castle, to be called and known by the name of the Henry female college, and that Daniel Brannin, E. F. Nuttall, C. M. Matthews, William Smith, and W. A. Perry be and they are hereby constituted a body politic and corporate, to be known by the name and style of the trustees of the Henry female college, and by that name shall have perpetual succession, and a common seal.

Vacancies,
how filled.

§ 2. That upon the death, resignation, or removal of any of said trustees, or their successors, a majority of those remaining shall have power to fill any such vacancy or vacancies; and the person or persons, so appointed, shall possess the same powers and privileges, as if named in this act; and, by the name and style aforesaid, may sue and be sued, plead and be impleaded, and defend and be defended, in any court of law or equity.

May hold real
estate.

§ 3. That the said trustees and their successors shall have power, and they are hereby authorized to purchase, receive, and hold any lands, goods, chattels, or any other property or thing, and also to receive donations of money, lands or other property for the use of said college, and to control the use and management of the same.

Meetings of
the trustees.

§ 4. That it shall be the duty of said trustees to assemble at least once in every three months, or oftener, if they think proper, and make such examination into the progress of the students, management of the school, and the general concerns of the institution as they may deem necessary.

May elect offi-
cers, &c.

§ 5. That a majority of said trustees shall form a quorum to do business; and they shall have power, from time to time, to elect officers in said board, fill vacancies, fix the time of office, and make such by-laws as may be necessary for their own government, and not inconsistent with the laws of this state, or their powers as trustees.

How funds to
be applied.

§ 6. That all the funds, property, &c., which may come into the hands of said trustees, under the provisions of this act, shall be used for educational purposes, and the permanent advancement and interests of said college.

May confer
degrees.

§ 7. That said trustees shall have power, and they are hereby authorized to confer on such pupils in said college as they may deem worthy, from time to time, any and all

such literary honors and degrees as, in their judgment, may be proper, or as are usually conferred in the best institutions of learning.

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Approved January 21, 1851.

CHAPTER 156.

AN ACT for the benefit of the Clerk of the Union County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for James R. Hughes, clerk of the Union county court, to renew his official bond at the February, March, or April term, 1851, of said court, which shall be as valid as if executed at the time now required by law.

Approved January 21, 1851.

CHAPTER 157.

AN ACT to enlarge the limits of the Town of New Market, in Marion county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the limits of the town of New Market, in Marion county, be so enlarged as to include the residence of Edward Webb; also, all the land on the north side of the Green river road, adjoining said town, belonging to William Smith, to the New School Presbyterian church lot, running back from main street in front to the original limits of said town, and also the Presbyterian church lot.

§ 2. That the number of trustees of said town be reduced from five to three; and that the next election to be held for trustees in said town shall be held in New Market on the first Monday in March next, and thereafter on that day in each year.

§ 3. That an act, entitled, an act to amend an act, approved February 29, 1836, concerning the town of New Market, in Marion county, be and the same is hereby repealed.

Approved January 21, 1852.

CHAPTER 158.

AN ACT to incorporate Somerset Royal Arch Chapter, No. 25.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act, entitled, an act to incorporate Pulaski lodge, No. 111, approved November 22, 1850, shall be and the same are hereby enacted and adopted for the incorporation and government of Somerset royal arch chapter, No. 25, of Somerset, Pulaski county.

Approved January 21, 1851.

1851.

CHAPTER 159.

AN ACT to incorporate Curd Lodge, No. 175.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act, entitled, an act to incorporate Pulaski lodge, No. 111, approved November 22, 1850, shall be and the same are hereby enacted and adopted for the incorporation and government of Curd lodge, No. 175, of free and accepted masons, of Somerset, Pulaski county.

Approved January 21, 1851.

CHAPTER 160.

AN ACT for the benefit of Allen C. Scott.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office of the state of Kentucky be and he is hereby authorized and directed to alter and change a patent, which issued from his office on the 28th day of December, 1848, in the name of Allen W. Scott, assignee of Gabriel Scott, assignee of John Scott, sr., for two hundred acres of land, lying in the county of Cumberland, on the waters of Sulphur Lick creek, No. 16,520, so as to read "Allen C. Scott, assignee of Nathaniel Scott, assignee of John Scott, sr.;" and, also, to make the records of his office conform to said alteration; and that said register issue a patent to said Allen C. Scott, assignee, in pursuance of said alteration; and that said patent, which issued as aforesaid, on the 28th day of December, 1848, be and the same is hereby declared null and void.

Approved January 23, 1851.

CHAPTER 161.

AN ACT to amend an act, entitled, an act for the benefit of the Laurel county Seminary, approved February 28, 1835.

How proceeds
of sale to be ap-
plied.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when the county court of Laurel shall sell and dispose of the seminary lands, located and granted for the benefit of said county, as is directed and authorized by an act of the general assembly, entitled, an act for the benefit of the Laurel county seminary, approved February 28, 1835, the money arising therefrom shall be forever dedicated and set apart as a fund for the purpose of education, for the use and benefit of the children of the county of Laurel.

County court
to invest the
same.

§ 2. That when the funds shall be realized, it shall be the duty of said county court to invest the same in Kentucky bank stock, or in state bonds of Kentucky, or some other

investment that shall be considered safe, so as to perpetuate said fund; which investment shall be taken, received, and held in the name of the county court of Laurel.

§ 3. That all interest or dividends, arising from said investment, shall be distributed among the several school districts in said county, in the same manner, and under the restrictions that are prescribed by law for the distribution of the common school fund among the several school districts of this state; and in case any school district in said county shall fail to draw its proportion of said fund, by reason of its failure to teach a school in said district, as now required by law, the said amount shall be re-invested by said court, as before directed, for the use and benefit of the common school fund of said county.

Approved January 21, 1851.

CHAPTER 162.

AN ACT to incorporate Wayne Lodge, No. 119, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Wayne lodge, No. 119, of free and accepted masons, in the county of Wayne, be and they are hereby created a body politic and corporate, by the name and style of Wayne lodge, No. 119, with perpetual succession, and, by that name and style, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the master and wardens of said lodge, for the time being, and their successors in office, trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate of said lodge, and to make by-laws for the regulation and government of said lodge, not contrary to the constitution of the United States, and the constitution and laws of this state.

§ 3. The legislature hereby reserves the right to repeal or change this act at pleasure.

Approved January 25, 1851.

1851.

How interest
to be applied.

Members in-
corporated.

Master and
Wardens to
manage its con-
cerns.

1851.

CHAPTER 163.

AN ACT to authorize the county of Fayette and City of Lexington to subscribe stock in Railroad Companies.

On application of any railroad company, vote to be taken.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever any company, incorporated to construct a railroad on which the city of Lexington shall be a point, shall request the county court of Fayette county to subscribe, either absolutely or upon specified conditions, the bonds of said county, for any portion of the capital stock of such company, not exceeding two hundred thousand dollars in amount, the county court shall, within sixty days thereafter, on a day to be by it appointed, cause a vote of the people of the county to be taken at the several election precincts in the county, and in the city of Lexington, upon the question whether or not the court shall subscribe the proposed amount of stock; or, if the request shall be for a conditional subscription, whether or not the court shall subscribe the stock on the proposed conditions; and if, before such vote is taken, the company making the request shall deem it advisable to postpone said vote to any other day, and if, upon motion, the county court shall approve said postponement, the said vote may be so postponed, due notice being given thereof in the newspapers of the county: *Provided*, that no company shall have authority, by this act, to make more than two requests of the county court of Fayette county, nor shall more than two votes be had upon any one road: *Provided*, further, that the conditions upon which the subscription may be asked shall not in any manner propose to change, alter, or affect any of the provisions of the charter of the company asking the subscription.

Proviso.

Judges & other officers to be appointed for such elections.

§ 2. That when the county court shall fix the day for taking any such vote as is above provided for, it shall appoint the judges and other officers necessary to conduct the election, and the return thereof shall be made to the clerk of the county court within ten days after the same shall be held.

On what conditions stock may be subscribed.

§ 3. That at its next term the court shall order the vote for and against the subscription to be entered on its record; and if a majority of the votes cast shall appear to be in favor of the subscription, the court shall order its clerk to make it forthwith, in the name of the county, and in accordance with the vote.

Bonds of the county to be given.

§ 4. That when any such subscription shall be made, the bonds shall be executed, under the seal of the county court, signed by the presiding judge thereof, and countersigned by the clerk. They shall be negotiable and payable to the railroad company for whose stock they shall be subscribed, in the city of New York, thirty years after date, and shall bear interest from date at the rate of six per cent. per annum.

§ 5. That the times at which said bonds shall be issued shall be fixed in the request of the railroad company to the county court, except that not more than half the amount of bonds subscribed to any company shall be issued to it in one year.

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Not more than half the amount of bonds subscribed to be issued in one year.

§ 6. That after any such subscription shall be made, the commissioners of tax for the county of Fayette shall distinguish, in their tax lists, between the property listed, both real and personal, which is most usually kept in said county, and that which lies or is most usually kept in any other county.

Duty of commissioners of tax.

§ 7. That, until the dividends on the stock subscribed for shall be sufficient to pay the interest on the bonds above mentioned, the county court shall levy a tax on the property, both real and personal, as listed for state purposes, which shall lie or be most usually kept in said county, sufficient, after making a reasonable allowance for delinquencies, to pay said interest, or such part thereof as such dividends shall be at any time insufficient to pay; and said levy shall include the amount given in under the equalization law.

Tax to be levied to pay the interest on bonds.

§ 8. That, within twenty days after the election of the county judge and justices of the peace, under the new constitution, if any such tax as is above provided for shall have been levied, and if no such tax shall have been by that time levied, then within twenty days after any such shall be levied, the presiding judge of the county court shall summons the justices of the peace of the county to meet together, on a day to be by him appointed, to elect three persons, who shall be called the commissioners of the sinking fund of Fayette county. One of said commissioners shall hold his office for one year, another for two years, and another for three years, the term of each to be decided by lot. And annually, after the first election, the justices of the peace shall reassemble and elect a commissioner to fill the place of the one whose term shall then expire, and such commissioner shall serve for three years.

Three commissioners of sinking fund to be elected by county court.

§ 9. That said commissioners shall annually appoint one of their number treasurer; and such treasurer, before he receives any moneys under the provisions of this act, shall execute bond with surety, to be approved by the county court, in double the sum which shall be expected to be collected during the year then to ensue, under the provisions of this act, payable to the county of Fayette, and conditioned to account for and pay over, on the order of said commissioners, all funds which shall come into his hands under the provisions of this act; and said treasurer shall be allowed for his services not exceeding one per cent. of all moneys which he shall receive and pay over.

To appoint a treasurer.

§ 10. That the sheriff of Fayette county shall collect all taxes levied under the authority of this act; and, for that

Sheriff to collect the taxes.

1851.

purpose, he shall have the same powers of distraining, advertising, and selling personal estate and slaves which he has in the collection of the state revenue; and when he shall be unable to find any personal estate or slaves liable to the tax of any individual, he may levy on his real estate, and sell the same under the rules and regulations prescribed for the sale of real estate under executions. But the owner of any real estate, so sold, who shall not have consented in writing, to the sale, shall have five years to redeem the same, upon the payment of the purchase money and ten per cent. interest per annum, with all taxes and levies which shall have accrued subsequently to the sale; and any such owner who shall have so consented, in writing, shall have one year to redeem, upon the same terms.

Sheriff to pay
over the taxes to
the treasurer.

§ 11. The sheriff shall, from time to time, pay over said taxes to the treasurer of the said sinking fund commissioners as he shall collect the same, under the penalties prescribed by law for failing to pay over the state revenue, and take duplicate receipts therefor, one of which he shall lodge with the clerk of the county court; and he shall be allowed for his services two per cent. of all moneys collected and paid over.

How taxes to
be appropriated.

§ 12. That the commissioners of the sinking fund of Fayette county shall see that the sheriff collects and pays over, according to law, the taxes herein directed to be levied, and shall institute legal proceedings against him in case of failure. They shall appropriate such taxes to the payment, at the city of New York, of the interest on the bonds herein directed to be issued. They shall cast the votes to which the county of Fayette shall be entitled in any railroad company, by reason of its stock subscribed under the provisions of this act. They shall receive the dividends upon all such stock, and apply them first to the payment of the interest on the county bonds, and when a surplus shall accrue after the payment of such interest, they shall apply it to the purchase of such bonds, if they can be purchased at par; and if that cannot be done, they shall invest such surplus in some safe and profitable manner, and in such manner that when it shall, at any time, be wanted for purchase or payment of the county bonds, it can be speedily and readily converted into cash for that purpose.

Dividends due
the county, how
to be applied.

§ 13. All dividends which shall be received upon any railroad stock which shall be owned by the county of Fayette, are hereby sacredly set apart as a sinking fund, to be only used as above provided, for the payment of the principal and interest of bonds which shall be issued by the county of Fayette, under the provisions of this act.

Record of proceedings
to be kept.

§ 14. That the said sinking fund commissioners shall keep a record of all their proceedings and doings; and their treasurer shall keep strict accounts of all moneys which shall be received or paid over by him, and shall an-

nually, before the expiration of his term, settle the same in the Fayette county court.

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Approved January 25, 1851.

CHAPTER 165.

AN ACT declaring Little Sandy navigable to the mouth of Laurel creek, in Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Little Sandy river is hereby declared a navigable stream from Bare's mill, in Carter county, to the mouth of Laurel creek, in Morgan county; and any person obstructing the above named stream, within the above named points, shall be amenable to the laws now in force against the obstruction of navigable streams in this commonwealth.

Approved January 25, 1851.

CHAPTER 166.

AN ACT to amend an act to incorporate the town of Mayslick, in Mason county, approved February 1, 1837.

Whereas, doubts exist whether the town of Mayslick, in Mason county, is entitled to the privileges of the general laws regulating towns in this commonwealth, under the special act incorporating said town. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Mayslick, in Mason county, be and the same is hereby entitled to all the benefits and privileges of the general laws regulating towns in this commonwealth.

General town laws applicable to Mayslick.

§ 2. That the trustees of said town shall have the right and privilege to appoint patrols in said town, consisting of persons over the age of twenty-one years, any law to the contrary notwithstanding, to be governed in their duties by the existing laws; and said patrols shall receive for their services the fee now allowed by law out of the county levy, and any further sum that the trustees of said town may deem reasonable in addition thereto, which additional sum shall be payable out of the treasury of said town.

Patrols may be appointed.

§ 3. That all of the road tax in said town shall be invested in the hands of said trustees, to be specially appropriated to working the public roads, streets, and alleys in said town; and said trustees are hereby directed and empowered to appoint an overseer to superintend the working of said public highways, streets, and alleys, to be governed in all respects by the laws now in force for working public roads in Mason county.

How road tax to be invested.

§ 4. That all fines and forfeitures, except those which are by law directed to be paid into the public treasury, which

How fines to be invested.

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may accrue in the town of Mayslick, and within one-half mile from the limits thereof, shall be paid over to the treasurer of said town for the use and benefit thereof, to be applied to the working of said public highways, streets, and alleys.

Approved January 25, 1851.

CHAPTER 167.

AN ACT to incorporate the Richmond and Irvine Plank Road Company.

Company formed. § 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby formed for the purpose of making a plank, gravel, or McAdamized turnpike road, in all or in part of either material, (and omitting either material where the ground may not require it,) from the town of Richmond, by the way of the upper Estill road, to Irvine, under the name and style of the Richmond and Irvine plank road company.

Capital stock. § 2. That the capital stock of said company shall not exceed forty thousand dollars, which shall be placed under a board of managers, to be appointed in the manner hereinafter directed.

Books to be opened for the subscription of stock Commissioners. § 3. That books for the subscription of stock shall be opened on or before the day of February next, under the direction of the following named commissioners: at Irvine, Thomas D. Chiles, Josiah Parks, and Ebenezer Wilson, in and Richmond, Tho. Embry, G. Clay Smith, Joshua Parks, and William Rodes. The commissioners at each of the places shall procure one or more books, and, in each of them, enter as follows viz: "We, whose names are hereunto subscribed, promise to pay the board of managers of the Richmond and Irvine plank road company the sum of one hundred dollars for every share of stock set opposite our names, in such manner and proportion, and at such times as shall be determined on by said board, and agreeably to an act of assembly incorporating said road company. Witness our hands this day of , in the year ." The said commissioners shall give, in the Richmond Chronicle, and by written notices to be set up in Richmond and Irvine, and at other public places along the line of said road, at least ten days' notice of the times and places at which said books will be opened for the subscription of stock in said company, at which times and places some one or more of the commissioners above named shall attend, and permit the Estill and Madison county courts, by their treasurers or clerks, and all persons of lawful age, bodies corporate and politic, to subscribe for any number of shares of said stock. The books shall be kept open for the purpose aforesaid, by adjournment from place to place and from time to time, until the whole number of shares shall have

Covenant to be signed.

Commissioners to give notice of time & place of opening books

Estill & Madison county courts may subscribe.

been subscribed, of which adjournment said commissioners shall give such notice as the occasion shall require.

§ 4. That when two hundred shares of said stock shall have been taken, the said commissioners shall give ten days' notice, in the Richmond Chronicle, and by written notices to be put up in Richmond, Irvine, and at other public places, that the number of shares required for organization has been subscribed, and that a meeting of stockholders will be held at such place as said commissioners shall designate in said notice, for the purpose of organizing a board of managers for the construction of said road, by the acceptance of this charter, and the election of five managers, one of whom shall be president of the board, to be designated as such by the stockholders at the time of the election of said board, and also by the election of a treasurer; at which election at least three of said commissioners shall be present, who shall proceed to take the vote, by ballot, of all the stockholders, who shall have the right to vote in person or by proxy, in writing, each stockholder having one vote for every share of stock he holds. The said board of managers shall hold their offices for one year from the day of their election, and until others shall be duly elected and qualified.

§ 5. To enable said board of managers to carry out the objects of this charter, when organized as above provided for, it shall be and is hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the board of managers of the Richmond and Irvine plank road company, and, under that name and style, shall have perpetual succession and all the privileges, immunities, and franchises of a body politic and corporate; and shall be capable of taking and holding the said capital stock, subscribed for as aforesaid, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper to carry out the intent of this act, and of purchasing and holding to them and their successors in office and assigns, and also of selling, transferring, and conveying in fee simple, all such lands and tenements, hereditaments and estate, real and personal, as shall be necessary to the prosecution of their work; of suing and being sued, pleading and being impleaded, defending and being defended in all courts of law and equity, and in all places whatever; also, to have and use a common seal, and the same to alter and renew at pleasure; and to make such by-laws, not inconsistent with the constitution and laws of this state and the United States, as may be necessary for the government of the affairs of said board; and do all and every other act and thing which a turnpike corporation may lawfully do.

1851.*

When company
may be organized
and direct-
ors elected.

Corporate powers.

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§ 6. That the Estill and Madison county courts, a majority of all the justices of each of said counties being present and acting, are hereby authorized and empowered to order, each for itself, its clerk or treasurer to subscribe for as many shares of stock in said company as it shall deem advisable, which subscription, when made, shall be binding on said county or counties; and to enable said county courts to pay such subscription of stock, when made, it is hereby authorized and empowered to assess a tax upon all the property and estate subject to the payment of state revenue within its limits, the tax thus levied not to exceed the rate of six cents on the one hundred dollars worth of property for any one year, and the same, when collected, shall be paid to the treasurer of said county, who shall pay the same in discharge of the subscription of county stock, as aforesaid, in such proportions and at such times as shall be called for by said board of managers. The dividends or profits arising from said stock shall, from time to time, whenever other dividends are declared, be paid over to said county courts, and shall go in aid of the county levy.

When organized may lay out and construct road.

§ 7. That said board of managers shall have power to locate said road along the line of the present road from Richmond, by Viney Fork meeting house, to Irvine, and shall have power to diverge from the line of said road, as it now runs, only in such cases as they shall be permitted to do so by the consent of the owners of land over which the changes shall be proposed to be made.

Shall keep a record of their acts.

§ 8. Said board of managers shall keep a record of their proceedings, which shall at all times be open to the inspection of each and all of the shareholders in said company.

Width of road.

§ 9. Said road shall not be made more than thirty nor less than eight feet wide; and those who subscribe stock may pay their calls on the same in work or material, under such regulations as the board may adopt.

Certain provisions of Frankfort, Paris, and Georgetown road adopted.

§ 10. That all the provisions, from section 6 to section 24 inclusive, of an act, entitled, an act to incorporate the Frankfort, Georgetown, and Paris turnpike road company, approved February 28, 1835, (except so far as is already provided for in this act, or may come in collision with the provisions of the same,) so far as the same are applicable to the objects and intent hereof, be and the same are hereby adopted and re-enacted as a part of this act.

May erect toll gates & collect tolls.

§ 11. That when five continuous miles of said road shall have been completed, according to the requisitions of this act, the said board may erect a toll gate thereon, and charge the same tolls as are now charged on the Richmond and Lexington turnpike road.

Sheriffs of Madison and Estill to collect tax.

§ 12. That the sheriffs of Estill and Madison counties shall collect the road tax to be assessed by their respective county courts, under the provisions of this act, and shall

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pay the same over to the treasurer of the county on or before the first day of January of each year next succeeding the year in which the same shall be assessed to be paid; and, for collecting and paying over the same to the county treasurer, he shall be allowed five per cent. on the amount thus collected and paid over; and for failure to collect and pay over the same, he shall be liable to the same procedure, by motion or otherwise, in the name of the party having a right to recover, to which he is liable for a failure to collect and pay over the revenue tax of the state; and the same power is hereby given the said sheriff or sheriffs to enforce the collection of the said tax from those by whom the same shall be due and owing, as is given by law to enforce the collection of the revenue tax.

Approved January 25, 1851.

CHAPTER 169.

AN ACT for the benefit of the Estill Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That at the February term of the Estill county court for the year 1851, and at every February term of said court thereafter, the said court shall appoint three fit persons as trustees of the Estill county seminary, who shall hold their offices for one year, and until their successors shall be appointed and qualified; and said trustees shall be governed, in all respects, by the laws now in force concerning county seminaries; and all vacancies in said board of trustees shall be filled by an appointment of said court at its next term after the same occurs.

Approved January 25, 1851.

CHAPTER 170.

AN ACT for the benefit of Robert Kinkead.

Whereas, it is represented that Robert Kinkead, the jailer of Woodford county, has made certain improvements pertaining to the jailer's house and lot, on the public square in the town of Versailles, under a parol contract with the county court aforesaid, whereby, in case he ceased, from any cause, to occupy said premises, he was to be paid for said improvements. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, upon the ceasing of said Kinkead to be jailer of said county, it shall be the duty of the county court thereof to enter upon its records an order directing to be paid out of the county levy, to said Kinkead, the value of said improvements, to be ascertained as hereinafter directed.

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§ 2. That David Thornton, Thomas W. Sellers, Burkit Cloak, Levin V. Ward, and Hiram Scott be and they are hereby appointed commissioners, who, or any three of whom, shall ascertain and report to said court the value of any and all improvements which shall have been made by said Kinkead, in virtue of said parol contract, upon the aforesaid portion of the public square in the town of Versailles.

Approved January 25, 1851.

CHAPTER 171.

AN ACT to incorporate the Mount Zion Cumberland Presbyterian Church, in Henderson county.

Trustees incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John B. Davis, John W. Boswell, and Dr. R. M. McFarland, and their successors in office, to be appointed as hereinafter provided for, be and they are hereby created a body corporate and politic, by the name and style of "the trustees of the Cumberland Presbyterian church, at Mount Zion, in Henderson county," and, by that name, may sue and be sued, plead and be impleaded in any of the courts of this commonwealth, either in law or equity, have perpetual succession, adopt a common seal and alter the same at pleasure; and, in their corporate name and capacity, may acquire and hold the right and title to any lot or parcel of land, not exceeding two acres, for the purposes and use of said church for a place of worship, and for a parsonage or residence for the pastor of said church.

Vacancies, how filled.

§ 2. That any vacancy in the number of trustees shall be filled by the election of a successor or successors, by a majority of the white members of said church, at a meeting to be called for that purpose; and it shall be the duty of the remaining trustees, when any vacancy shall occur, to call a meeting of the members as soon thereafter as convenient.

To whom the property shall belong in case of schism.

§ 3. That in the event of any schism or division in the congregation of said church, by the seceding or withdrawing of its members, or any part thereof, the title to any ground or property, acquired under this act, shall vest in and belong to that portion of such congregation as shall adhere to the government and discipline of the general assembly of the Cumberland Presbyterian church of the United States of America, and that portion of the congregation is alone to have the right to elect trustees to manage said ground and property, as hereinbefore provided.

May maintain action for damages to property.

§ 4. Said trustees shall have power, in their corporate name and style, to maintain any proper action, either at law or equity, in any of the courts of this commonwealth having jurisdiction over the subject, for any damage or injury done to their property, acquired under this act.

§ 5. Said trustees shall keep a record of their proceedings in a well bound book, a transcript from which, certified by a majority of them, shall be evidence of their official acts; and they may make rules and regulations for their government, not inconsistent with the laws of this commonwealth.

§ 6. The general assembly hereby reserves the right, at any time, to alter, modify, or repeal this act.

Approved January 25, 1851.

1851.

Record of proceedings to be kept.

CHAPTER 172.

AN ACT for the benefit of Horatio Fields, the son of Thomas I. Fields, of Bath county

Whereas, Thomas I. Fields, of Bath county, has, by his petition, dated 21st day of December, 1850, preferred to this general assembly, suggested that doubts exist as to the legality of his marriage with Mollie Fields, and therein stated that he has but one child who is the offspring of said marriage, named Horatio Fields, and that the said Thomas I. Fields is anxious that such doubts shall be obviated. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Horatio Fields be and he is hereby declared to be the legitimate heir of said Thomas I. Fields, and made capable, in law, of inheriting the estate of said Thomas I. Fields, as though said marriage had been in all respects strictly legal.

Approved January 25, 1851.

CHAPTER 173.

AN AOT to amend the charter of the City of Augusta.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the charter of the city of Augusta be so amended as to authorize the mayor and councilmen of said city to increase the number of any fire company, organized by them, to the number of sixty.

Charter amended.

§ 2. That said mayor and councilmen may, at such times as they deem advisable, take and subscribe stock in and to any turnpike road company within, or passing through the county of Bracken: *Provided*, before subscribing stock to said road, they shall submit the question of subscribing to a vote of the qualified voters of said city, and a majority of the same vote for such subscription of stock.

May subscribe stock in certain turnpike roads.

§ 3. That any constable of the county of Bracken is hereby authorized and empowered to execute any original process emanating from the mayor of said city, to be executed within said city, or the county of Bracken, and

Constables to serve process from mayor.

1851.

whether for the violation of the city ordinances or the laws of this commonwealth.

Certain fines
to go to the city

§ 4. That all fines imposed for breaches of the peace, riots, routs, and the disturbance of religious worship within said city, under the laws of this commonwealth, shall be for the use of said city.

Approved January 25, 1851.

CHAPTER 174.

AN ACT for the benefit of the heirs of James G. Hazlerigg, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years, from and after the passage of this act, be allowed Thomas F. Hazlerigg, as administrator of James G. Hazlerigg, deceased, late of Montgomery county, to collect, by levy or distress, as now prescribed by law, under the same restrictions and penalties to which the intestate would have been liable if living, any of the fee bills issued by the intestate before his death, or which have since been issued, for services rendered by the deceased as clerk of the Montgomery circuit court.

Approved January 25, 1851.

CHAPTER 175.

AN ACT disposing of the vacant lands in Floyd county.

Set apart for
benefit of com-
mon schools.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the vacant lands in Floyd county be and they are hereby set apart for the benefit of common schools in said county; and it shall be the duty of the treasurer of the land warrant fund of said county to dispose of said land warrants at five dollars the hundred acres, cash in hand; and, on the first Monday in December in every year, to pay over to the commissioners of common schools of said county, or any one of them, all moneys arising from the sale of said land warrants for that year, and take his or their receipt for the same.

How and to
be distributed.

§ 2. It shall be the duty of said commissioner or commissioners to divide the money received, from time to time, from the treasurer aforesaid, equally among all the schools taught in said county, according to the number of children in each district, in the same manner as other money for school purposes is divided.

Approved January 25, 1851.

CHAPTER 176.

AN ACT to incorporate the Liberty and Hustonville Turnpike Road Company.

1851.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company is hereby formed, under the name and style of the Liberty and Hustonville Turnpike Road Company, for the purpose of constructing a gravel, stone, or plank road from Liberty, in Casey county, to Hustonville, in Lincoln county.

Company formed.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is insufficient to accomplish the object of this act, then the President and directors may increase it to such amount as they may deem necessary, and receive subscriptions of stock therefor in such way as they deem proper.

Capital stock.

§ 3. Books for the subscription of stock in said company shall be opened on the 28th day of April next after the passage of this act, or as soon thereafter as may be convenient, at the town of Liberty, under the direction of Joel Sweeney, C. R. Coffey, James Belden, and Fielding Whip, and at Hustonville, under the direction of Hardin Weatherford, G. W. Welch, James Woodson, and M. C. Portman, or some two or more of them at each place, who are hereby appointed commissioners; they shall procure a book or books, and subscribers to the stock of said company shall enter into and subscribe the following agreement therein, viz: "We, whose names are hereunto subscribed, severally promise to pay the president, directors, and company of the Liberty and Hustonville turnpike road company the sum of fifty dollars for each and every share of stock set opposite our several names, in such manner and proportion, and at such times as shall be determined on by the president and directors of said company. Witness our hands this day of "

Books to be opened for the subscription of stock.

Obligation.

§ 4. That all the provisions of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved March 1, 1844, from section 4 to section 35 of said act, inclusive, are hereby re-enacted as part of this act, with all the powers and privileges, rights and immunities therein contained, so far as applicable.

Provisions of charter of Danville & Hustonville turnpike adopted.

§ 5. The president and directors shall have power and authority to let out portions of said road to individuals who may agree to construct the same, and take their pay therefor in stock in said company, provided they do not agree to allow for the construction thereof more than the cost estimated by the engineer.

Pay for stock in work.

§ 6. That the company shall be allowed to use stone, gravel, or plank, as they may elect, in the construction of said road, or any part thereof.

May use stone, &c.

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When company may be organized and officers elected.

§ 7. There shall be no toll-gate erected within less than half a mile from Liberty or Hustonville.

§ 8. Whenever the sum of ten thousand dollars of stock shall be subscribed, said company may organize by the election of a president and six directors, who may proceed to put under contract such part or parts of said road as they may deem proper, having due regard to the locality of stock subscribed.

Stock may be paid in work.

§ 9. Individuals and companies shall be allowed to subscribe, as stock in said company, that they will construct one mile or more, or a fraction of a mile of said road, and may designate the beginning point; and every such subscription shall be construed as making a part of the ten thousand dollars of stock, upon the taking of which the company shall organize, at the rate of two thousand dollars per mile; but, in actual stock, such subscription shall be such sum as the engineer, with the concurrence of the president and directors, shall estimate the cost to be.

How notice to be given.

§ 10. That all publications which, by the act incorporating the Danville and Hustonville turnpike road company, are required to be made in the Danville Tribune, when required to be made by the company incorporated under this act, shall be made in the Ploughboy, published at Harrodsburg.

§ 11. The general assembly hereby reserves the right to alter or amend this act at pleasure.

Approved January 25, 1851.

CHAPTER 177.

AN ACT to incorporate the Mayslick and Sardis Turnpike Road Company.

Incorporated, and corporate powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed and incorporated to construct a turnpike road from the town of Mayslick to the town of Sardis, in the county of Mason, under the name and style of the Mayslick and Sardis turnpike road company; and, by that name and style, may sue and be sued, contract and be contracted with, plead and be impleaded, in all courts of this commonwealth, and have and use a common seal, and alter or amend the same at pleasure.

Capital stock

§ 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of one hundred dollars each, and each share shall be entitled to one vote in all meetings of the stockholders.

Commissioners.

§ 3. That John S. Mitchell, William Chandler, J. W. Allison, Isaac Dye, Henry S. Johnston, and M. R. Burgess are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as they, or any four of them, may deem expedient;

and so soon as two and a half miles of said road is completed, the directors of said road shall have the right to erect a gate and charge half toll at the same.

§ 4. That all the rights, privileges, and liabilities that are conferred upon the Maysville, Orangeburg and Mount Carmel turnpike road company, by the act approved March 1, 1850, be and the same are conferred upon the Mayslick and Sardis turnpike road company.

1851.

Privileges of
Maysville, &c.,
company grant-
ed.

Approved January 25, 1851.

CHAPTER 178.

AN ACT to repeal an act establishing a Police Court in the town of Hardinsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to establish a police court in the town of Hardinsburg, approved December 18, 1850, be and the same is hereby repealed.

Approved January 25, 1851.

CHAPTER 179.

AN ACT for the benefit of School District, No. 29, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of school district No. 29, in Owen county, be and they are hereby authorized to report to the county commissioners of said county; and that said commissioners be and are hereby authorized to report to the superintendent of public instruction, on or before the first day of February next; and said superintendent is hereby authorized to draw his draft for, and pay to the county commissioners for said district, as though it had been reported within the time prescribed by law.

Approved January 25, 1851.

CHAPTER 180.

AN ACT to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the president and directors of the Nicholasville and Jessamine county turnpike road company may borrow, at a rate of interest not exceeding eight per cent. per annum, any sum of money not exceeding three thousand dollars, to be applied to the construction of said road; and the said president and directors may direct and have applied all the tolls received, after paying gate-keepers and necessary repairs, to the payment of the principal

May borrow not
exceeding \$3,000

1851.

and interest of any money thus borrowed, until the same shall be fully paid.

§ 2. That said president and directors may erect a toll gate within one quarter of a mile of the limits of the town of Nicholasville, and charge tolls on any portion of said road they may construct within the limits of said town.

Approved January 25, 1850.

CHAPTER 181.

AN ACT to legalize an order of the Fulton County Court, in changing a Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the order of the Fulton county court, made at its July term, 1850, upon the motion of T. P. McMahan, appointing reviewers and confirming their report in reference to a proposed alteration in the road leading from Hickman, in Kentucky, to Dresden, in Tennessee, be and the same is hereby fully legalized and made effectual for the protection of said McMahan.

Approved January 25, 1851.

CHAPTER 182.

AN ACT for the benefit of the Sheriff of Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Grant county shall be allowed until the second Monday of April next to make out and return his delinquent list of the revenue tax for said county, for the year 1850.

Approved January 25, 1851.

CHAPTER 183.

AN ACT to incorporate the town of Clementsburg, in Crittenden county.

Boundaries
established.

§ 1: *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Clementsburg, in Crittenden county, as laid off and described in a plat surveyed and returned by James Duvall, surveyor of Crittenden county, for record in the office of the clerk of the Crittenden county court, be and the same is hereby established; and the same shall hereafter be known as the town of Clementsburg, and the extent and limits thereof shall be and are hereby declared to the lines and bounds of the said survey and plat, made and platted by the said surveyor on the third and fourth days of December 1850.

When trustees
may be elected.

§ 2. That whenever the population of said town shall amount to the number of twenty or more qualified voters resident therein, the said resident voters may proceed, after writ-

ten notice of such purpose, posted up at not less than three places within said town limits, for at least twenty days, to elect three persons residing within said town as trustees thereof, who, when so elected, shall be and are constituted a body politic and corporate, to be known by the name and style of the Board of Trustees of the town of Clementsburg; and, by that name, shall be capable in law and equity, of suing and being sued, pleading and being impleaded; may use a common seal, and shall have perpetual succession; and thereafter the prudential, fiscal, and municipal concerns of said town shall be vested in said board of trustees, and their successors; which board, in the execution of said trusts, shall have the same power and authority granted the trustees of the town of Elizabethtown, by an act, entitled, an act to incorporate the town of Elizabethtown, in Hardin county, approved March 1, 1847.

§ 3. That said trustees, when so elected, shall hold office until the first Monday in May next succeeding their election; and it shall be their duty, upon such day, to open a poll and hold an election for trustees of said town, which trustees, and all other boards thereafter, shall hold office for one year, and shall provide in like manner for the election of their successors successively.

§ 4. That it shall be the duty of each and every person elected a trustee of the town of Clementsburg, before entering upon the duties of his office, to make and subscribe an oath, before some acting justice of the peace for the county of Crittenden, faithfully to execute the duties of said office for the best interests of said town, according to law.

Approved January 26, 1851.

CHAPTER 184.

AN ACT to legalize an order of the Hickman County Court appointing an Agent to sell Seminary lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act or order of the Hickman county court, at its July term, 1850, appointing James S. Ringo to make sale of seminary lands, is hereby legalized and made as effectual as if said appointment had been made at the time prescribed by law.

Approved January 25, 1851.

CHAPTER 185.

AN ACT to authorize taxation to build a school House in District No. 25, in Lewis county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the voters in school district No. 25, in the county of Lewis, to vote as to

1851.

Term of office

To take oath.

1851.

the propriety of levying a tax on the tithables of said district to build a good and sufficient school house therein.

§ 2. It shall be the duty of the trustees of said school district to give one month's notice, of the time and place of taking said vote, and, at the day appointed, to take the vote for and against said tax, which shall be duly recorded on the books of said trustees.

§ 3. Should a majority of the qualified voters in said district decide that such tax shall be levied, then it shall be the duty of said trustees to levy and collect such tax as they, in their discretion, may deem necessary, and, when collected by the collector, appropriate the same to the erection of a school house for the use of the children of said district.

Approved January 25, 1851.

CHAPTER 187.

AN ACT to amend an act, entitled, an act to incorporate the several Masonic Institutions of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act to incorporate the several masonic institutions of the city of Louisville, approved February 27, 1849, be and the same is hereby so amended as to authorize the said fraternity to organize a joint stock company, with a capital of two hundred thousand dollars, to be divided into shares of fifty dollars each, the shares to be transferable in such manner as the by-laws of the corporation shall direct, on transfer books to be kept by the company for that purpose.

Approved January 25, 1851.

CHAPTER 188.

AN ACT to incorporate Harvey Maguire Lodge, No. 209, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Harvey Maguire Lodge, No. 209, of free and accepted masons, in the town of Perryville, Boyle county, be and they are hereby created a body politic and corporate, by the name and style of Harvey Maguire Lodge, No. 209, of free and accepted masons, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; of receiving all necessary conveyances, and of selling, disposing of, and conveying all such real or personal estate as they may

Members incorporated.

now have or may hereafter acquire : *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall not at any time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Henry Gray, William Tolly, J. L. Bolling, S. H. Hart, and E. J. Penney, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said lodge ; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

§ 3. That the trustees named in the second section of this act, shall hold their offices until the first Monday in April, 1852, when the members of said lodge shall elect five trustees, and shall thereafter hold an election for trustees on the first Monday in April in each year. The board of trustees shall have power to fill all vacancies in their own body, and may pass such by-laws, rules, and regulations, not inconsistent with the laws of this state, as may be necessary to the management and safe keeping of the property and other interests of said lodge, and may have a common seal, and change, alter, or renew the same at pleasure; and in conveying real estate, it shall be necessary for all the trustees to join in the conveyance.

§ 4. The general assembly hereby reserves the right to change, amend, or repeal this act at pleasure.

Approved January 25, 1851.

1851.

Powers of Trustees.

Term of office.

CHAPTER 189.

AN ACT to amend an act in relation to the Seminary lands of Lewis county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, approved December 9, 1825, authorizing the trustees of the Lewis county academy to sell the lands belonging to said institution, be and the same is hereby repealed.

§ 2. That the county court of Lewis county shall have power and authority to sell and dispose of the seminary lands belonging to said institution, or any part thereof, by themselves, or any agent or agents duly appointed for that purpose, upon such credit as shall be thought advisable, taking bond with undoubted security from the purchaser or purchasers, to secure payment of the purchase money, and likewise retaining a lien on the land, so sold, for the same; and said court is hereby authorized to convey, by deed, to the purchaser or purchasers, the title to any lands so sold, whenever the purchase money for the same shall have been fully paid.

§ 3. That said court shall take from any person who may be appointed agent to sell or dispose of said lands, bond with good security, payable to said court, for the

Act of 1825 repealed.

County court may sell seminary lands.

Shall take bond of such agent.

1851.

use and benefit of the common schools of said county, in an adequate penalty, conditioned faithfully to pay over all moneys collected as agent aforesaid:

How proceeds
to be applied. —

§ 4. That the money arising from the sale of said land shall be appropriated entirely for the use and benefit of the common schools of Lewis county, and, when collected, shall go into the hands of the treasurer of said county, to be disposed of by order of said county court as directed by this act: *Provided, however*, that each school district in said county shall be entitled to its proportionable part of said fund.

Approved January 30, 1851.

CHAPTER 190.

AN ACT for the benefit of William Gracy.

Whereas, William Gracy, of Covington, was a youthful soldier in the late war with Mexico, and, by the premature discharge of a cannon, has lost both arms, and it is represented to this general assembly that he can procure a pair of artificial arms and hands for the sum of two hundred and fifty dollars, but is penniless himself and has no one nearly related to him able to assist him. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be and he is hereby directed to issue his warrant on the treasurer for the sum of two hundred and fifty dollars in favor of the said Wm. Gracy, or his order.

Approved January 30, 1851.

CHAPTER 191.

AN ACT to enlarge the jurisdiction of the Police Judge of the town of Hartford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to create the office of police judge in the town of Hartford, and defining his duties and powers, approved February 26, 1849, be so amended as to give to said judge the same jurisdiction, within the limits of Ohio county, concurrently with justices of the peace, which is, by said recited act, conferred upon said judge within the town of Hartford: *Provided*, that no defendant shall be compelled, by the process of said court, in any civil suit against said defendant, to go out of the magistrates' district in which he may reside, to attend any trial before said judge, unless such defendant shall consent, in writing, to appear before him.

Approved February 1, 1851.

CHAPTER 192.

AN ACT to incorporate Bedford Lodge, No. 158, of Free and Accepted Masons.

1851.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Bedford lodge, No. 158, of free and accepted masons, in Trimble county, be and they are hereby created a body politic and corporate, by the name and style of Bedford lodge, No. 158, of free and accepted masons, and, by that name, shall have perpetual succession, and be capable of receiving and holding, by gift, grant, purchase, or devise, any kind or quantity of personal or real estate, and of selling, exchanging, and conveying the same at pleasure; of suing and being sued, pleading and being impleaded, defending and being defended, in any court of law or equity in this state; of having and using a common seal, and of renewing and altering the same at pleasure; and the master and wardens of said lodge, and their successors in office, shall be trustees thereof.

Members
incorporated.

§ 2. That the general assembly hereby reserves the right to repeal, alter, or modify this act at pleasure.

Approved February 1, 1851.

CHAPTER 193.

AN ACT to amend an act incorporating the Lexington and Frankfort Turnpike Road.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, approved March 8, 1850, incorporating a company to construct a turnpike road from Lexington to Frankfort, be so amended as to permit said company to locate the intersection of said road with the Lexington, Versailles and Frankfort turnpike road, at any point they may designate, between the farm of Richard Jackson and the intersection of the Georgetown road.

§ 2. That said company shall have the further time of one year to take up subscriptions of stock in said road.

Approved February 1, 1851.

CHAPTER 194.

AN ACT giving the Meade County Court jurisdiction of a part of the Salt river and Bowlinggreen road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Meade county shall be and is hereby vested with the like jurisdiction to alter, and otherwise control and manage that part of the state road leading from the mouth of Salt river, through Garnettsville, &c., to Bowlinggreen, lying within the bounds

1851.

of said county, which the several county courts have, in regard to public roads, established by county authority, and under the same limitations and restrictions.

Approved February 1, 1851.

CHAPTER 168.

AN ACT to incorporate Bullitt Lodge, No. 155, of Free and Accepted Masons.

Members in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Bullitt lodge, No. 155, of free and accepted masons, of Bullitt county, be and they are hereby created a body politic and corporate, by the name and style of Bullitt lodge, No. 155, of free and accepted masons, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said Lodge; they shall have power to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed the sum of five thousand dollars.

Master and
wardens to man-
age its concerns.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the present master and wardens of said lodge, and their successors in office, as trustees thereof, who shall have the power to make all contracts pertaining to the real or personal estate in any respect, either in purchasing, building, renting, or for any other purpose, which shall be binding and obligatory upon said lodge, when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

May enact by-
laws, &c.

§ 3. That said lodge may, at any time, pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection, management, and safe-keeping of the property of said lodge; and any money received for any trespass or injury done on or to the property aforesaid, shall be for the use and benefit of said lodge, and shall be so applied.

Objects of this
act.

§ 4. That the object of this corporation is only to enable said lodge to hold and manage the property thereof, and this act, and the powers hereby granted, shall not be employed for any other purpose; and the general assembly hereby reserves to itself the right to change, alter, or amend this act at pleasure.

Approved February 1, 1851.

CHAPTER 197.

1851.

AN ACT to authorize the Spencer County Court to sell the Poor House tract of Land in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Spencer county, a majority of all the justices thereof concurring, shall have, and they are hereby invested with, full power and authority, if they deem it expedient, to sell, or otherwise dispose of all or any part of the poor house tract of land in said county.

Approved February 1, 1851.

CHAPTER 198.

AN ACT for the benefit of Wm. M. Fox, clerk of the Pulaski circuit and county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years, from and after the passage of this act, is hereby allowed to Wm. M. Fox, clerk of the Pulaski circuit and county courts, to list and collect his fee bills for the years 1846, 1847, 1848, and 1849, and distrain for the same.

Approved February 1, 1851.

CHAPTER 199.

AN ACT to amend the charter of the Eagle Creek, New Liberty, Owen-ton, and Scott county Line Turnpike or Plank Road Company.

Whereas, it is represented and appears that the provisions of the act to which this is an amendment, require that the covering of the Eagle Creek, New Liberty, Owen-ton, and Scott county line turnpike or plank road, by rock, gravel, or plank, shall be not less than sixteen feet in width; and it is further represented that such pre-scribed width of covering is not needed for travel purposes. Therefore,

Preamble.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the directors of said road company may reduce the width of metallic covering to any number of feet not less than fourteen: and, if covered with plank, to not less than eight feet in width.

§ 2. And whereas, also, it is represented and appears that an election for president and directors of said company was held pursuant to the provisions of the charter, except that it has been supposed that the requisite number of shares had not been subscribed, by reason that certain sub-scriptions had been made contingently; but, as it has been further represented and appears that the directory, thus elected, received, each, a majority of the votes cast; as

Election of di-
rectors legal-
ized.

1851.

well of the contingent as of the conditional subscriptions of stock. Therefore—*Be it further enacted*, That Lyman Martin, as president, J. M. Clarke, J. P. Orr, H. Toon, L. K. Frazer, and Reuben Webster, as directors, shall be considered to have been duly elected and rightfully to hold office as such, respectively, with such powers as the charter and this amendment confides to the president and directors of said company.

May coerce
payment of calls
on stock.

§ 3. And whereas, it has been supposed that there is no sufficient provision for the collection and enforcement of the payment of the calls upon the subscription of stock. Therefore—*Be it further enacted*, that the president, directors, and company of said turnpike or plank road company, shall have the right to coerce the payment of each, and such calls upon stock, by suit in the nature of an action of debt, before a justice of the peace, or other court of appropriate jurisdiction.

Approved February 1, 1851.

CHAPTER 200.

AN ACT for the benefit of the Sheriff of Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Anderson county be allowed until the first day of June, 1851, to return his delinquent list for the year 1850.

Approved February 1, 1851.

CHAPTER 201.

AN ACT for the benefit of the citizens of the town of Burksville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the third section of an act, entitled, an act to incorporate the town of Burksville, and for other purposes, approved February 23, 1846, as empowers the trustees to assess a tax on the citizens of said town, be and the same is hereby repealed.

Approved February 1, 1851.

CHAPTER 202.

AN ACT to revive the corporate powers, and to authorize the rebuilding of the meeting house of Mount Tabor Church, in Estill county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the corporation heretofore known under the name and style of the Mount Tabor Church, in the county of Estill, be and the same is hereby revived, with all the corporate powers heretofore vested in it by

law, still to be known under the name and style of Mount Tabor Church.

1851.

§ 2. That, instead of the trustees of the old church, Thos. Reed, A. Harris, and E. J. Broadus be and they are hereby appointed trustees of said church, to receive all moneys, or other substance, now due, or which may hereafter be due, or donated to said church, for the purpose of re-building a meeting house on the same lot of ground on which the old house stood, for the free use of all orderly denominations of christians, and to do all other acts which they are authorized to do by the laws hereby revived.

Approved February 1, 1851.

CHAPTER 204.

AN ACT to change the limits of the town of Lawrenceburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the limits of the town of Lawrenceburg be so changed as to exclude therefrom so much of the lands of John Witherspoon as were included within said limits by the western extension and enlargement of said town, made by an act, entitled, an act to incorporate the town of Lawrenceburg, approved February 14, 1850.

Approved February 1, 1851.

CHAPTER 205.

AN ACT for the benefit of the Sheriff of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Taylor county shall have until the second Monday of May next to return his delinquent list for the year 1850,

Approved February 3, 1851.

CHAPTER 206.

AN ACT for the benefit of the Sheriff of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Bath county shall have until the first day of May next to return his delinquent list for the revenue of 1850.

Approved February 3, 1851.

1851.

CHAPTER 207.

AN ACT to revive the charter of the Burlington and Dry Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the provisions of an act, entitled, an act to incorporate the Burlington and Dry creek turnpike road company, approved February 28, 1849, are hereby revived and declared to be in full force: *Provided,* that the work on said road shall be, in good faith, commenced on or before the first day of January, 1852.

Approved February 3, 1851.

CHAPTER 208.

AN ACT for the benefit of the Sheriff of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Kenton county shall have until the 10th day of April next to return his delinquent list for the year 1850.

Approved February 3, 1851.

CHAPTER 209.

AN ACT to amend the acts incorporating the fire department of the city of Louisville.

Each company to elect three trustees.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in the month of April, in the year 1851, each fire engine, hose, hook and ladder, or protection company, belonging to and forming part of said fire department, shall elect, by ballot, from amongst the members of the company, three trustees of said fire department; and at the first meeting thereafter of the board of trustees, so elected, the trustees from each company shall be divided by lot into three classes; the first class shall go out of office at the end of the first year, the second class shall go out of office at the end of the second year, and the third class shall go out of office at the end of the third year after their election; and in the month of April of each year, after the year 1851, each fire engine, hose, hook and ladder, or protection company shall elect from amongst its members one trustee of said fire department to serve three years.

Powers & duties of trustees.

§ 2. The board of trustees of said fire department shall have a general supervision over the several fire engines, hose, hooks and ladders, or protection companies composing said department; they may adjudicate any matter of dispute or disagreement between said companies, or any of them, and, upon appeal, they may hear and determine any case of dispute or disagreement between any company

composing said department, and any one or more of its members; and the said board shall have the power to expel, after a fair and impartial investigation of the case, any company found 'guilty of dishonorable, disorderly or riotous conduct, or refusal to comply with the by-laws or rules and regulations of said fire department. And the said board of trustees shall have the power to ordain, establish, and put in execution all such by-laws, rules, and regulations, by them deemed necessary and proper to carry out the purposes and objects of said fire department, and for the general government thereof: *Provided*, that such by-laws, rules, and regulations shall be consistent with, and not contrary to the constitution and laws of the United States, the constitution and laws of this commonwealth, and the charter of the city of Louisville, and the ordinances thereof.

§ 3. The said board of trustees shall have the general right, at stated times during each year, to inspect all the engine houses, engines, hoses, hose carriages, and other apparatus in the possession of each company composing said department, and shall report annually to the mayor of the city of Louisville a detailed account of the condition of said engine houses, hoses, engines, hose carriages, and other apparatus, as aforesaid; and, if required to do so by the general council of Louisville, the said board of trustees shall, upon the call of the mayor of said city, or of the chairman of any committee of either board of the general council to which matters relating to the fire department may be referred, examine into the condition of any engine house, engine, or hose, or hose carriage, or other apparatus, and report whether any action on the part of the general council is expedient, or otherwise, touching the same.

To inspect the engine, &c.

To report annually to mayor their condition.

§ 4. That so much of the act incorporating the fire department of the city of Louisville as may be in conflict with this act, is hereby repealed.

Approved February 3, 1851.

CHAPTER 210.

AN ACT to amend an act, entitled, an act to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes, approved March 5, 1850.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first section of an act, entitled, an act to incorporate certain turnpike road companies in Montgomery county, and for other purposes, approved March 5, 1850, be and the same is hereby so amended that the Mountsterling and Howard's mill turnpike road company shall only be required to make their

1851:

said road from Mountsterling to the east side of Slate creek, near Rowland Moore's well, instead of to the Bath county line, as now provided by said act.

§ 2. *Be it further enacted*, That the 8th section of said recited act be and the same is hereby so amended as to read, after the proviso therein incorporated: *And, provided further*, that the said president and directors shall not be required to build a bridge across Slate creek, until such time as they may deem most advisable: *And, provided further*, that the places of leaving said road, for the purpose of crossing said creek and intersecting said road, shall be made and kept in reasonably good repair until said bridge shall have been erected.

§ 3. *Be it further enacted*, That whenever said president and directors shall determine to build said bridge, they shall be governed by the provisions of the 7th section of said act, as to the examination of quarries, beds of stone, and other materials necessary to the completion of said bridge.

Approved February 3, 1851.

CHAPTER 211.

AN ACT for the benefit of William C. Halbert, Sheriff of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of three years be and is hereby given to William C. Halbert, sheriff of Lewis county, to list and collect his fees as sheriff, who shall have the same right to collect his fees within the said time, and be subject to the same liabilities and restrictions as sheriffs have and now are by the existing laws.

Approved February 3, 1851.

CHAPTER 212.

AN ACT to amend the charter of the Lexington, Frankfort and Versailles Turnpike Road Company.

Whereas, it is represented to the present general assembly that some of the subscribers to the Lexington, Frankfort, and Versailles turnpike company have not fully paid up their stock, some having died and others become insolvent, and thereby unable to pay the same; and the said amounts not having been forfeited, but standing upon the company's books to the credit of said subscribers, and upon which payments no certificates have been granted or dividends paid. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for the president and managers of said company to issue certificates for the

amount of such payments to the several subscribers, or their executors, administrators, heirs, or assigns, and pay a *pro rata* dividend on such payments from the date thereof.

1851.

Approved February 3, 1851.

CHAPTER 213.

AN ACT for the benefit of the Sheriff of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Knox county be allowed until the 10th day of April next to return his delinquent list of revenue for the year 1850.

Approved February 3, 1851.

CHAPTER 214.

AN ACT for the benefit of Thomas L. Garrard, of Pendleton county.

Whereas, Thomas L. Garrard, of Pendleton county, was bound as security in a sheriff's bond for Wesley Porter, former sheriff of Grant county, for the revenue of the years 1842 and 1843; and whereas, said sheriff became defaulter to the state in the sum of seventeen hundred and ninety-nine dollars and sixty-four cents; and whereas, said Garrard, as one of the securities of said sheriff, has paid the principal and cost of suit on account of the failure of said sheriff so to do, and has obtained a *quietus* therefor; and whereas, interest to the amount of one hundred and sixty-nine dollars and twenty-nine cents has accrued on said debt. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Garrard be and is hereby exempt from the payment of the interest aforesaid.

Approved February 3, 1851.

CHAPTER 216.

AN ACT for the benefit of the Sheriff of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Rockcastle county be and is hereby allowed until the 10th day of April next to return his delinquent list for the revenue of 1850.

Approved February 3, 1851.

1851.

CHAPTER 217.

AN ACT to incorporate the Farmers' Turnpike Road Company.

Name and style.	§ 1. <i>Be it enacted by the General Assembly of the Commonwealth of Kentucky</i>, That a company shall be formed, under the name, style, and title of the farmers' turnpike road company, for the sole purpose of constructing and maintaining an artificial road, from Burlington, in Boone county, to Bellview.
Capital stock.	§ 2. The capital stock of said company shall be fifteen thousand dollars; and the company aforesaid is hereby authorized to raise, by subscription, the sum aforesaid, to be divided into shares of twenty-five dollars each.
Books to be opened for the subscription of stock.	§ 3. That the books for the subscription of stock in said company shall be opened on the last Saturday in March next, at the town of Burlington, under the direction of Milton Hamilton, Nathaniel E. Hawes, David M. Scott, and John Wilks; at Bellview, under the direction of James Dinsmore, Thomas C. Graves, William Walton, Benjamin E. Garnett, Evans D. Grant, and D. G. Rice, or some one or more of them at each place. That such of the two classes of commissioners appointed by this act to open books for the subscription of the capital stock of said company, or such of them as may act, shall procure one or more books, and the subscribers to the stock of said company shall enter into the following obligation in such book or books, viz: "We, whose names are hereunto subscribed, do promise to pay the president, directors and company of the farmers' turnpike road company, the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company."
Obligation of subscribers.	§ 4. The books or subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the books are closed.
When meeting of stockholders to be held for election of officers.	§ 5. That so soon as four hundred shares in said company are subscribed, it shall be the duty of said commissioners, or such of them as may act, to give notice of a meeting of the stockholders of said company to meet in the town of Burlington for the purpose of choosing officers, said notices to be put up at Burlington and at Bellview ten days previous to said meeting; at which election at least three of the commissioners above named, one of whom shall be president, who shall proceed to take the votes, by ballot, of said stockholders, who shall have the right to vote in person or by proxy, under power of attorney satisfactorily authenticated, each stockholder having one vote for each share so held, for a president and five directors, who shall hold their office for one year, and until others shall be duly qualified.

§ 6. That as soon as the company is organized, the president, managers, and other officers shall possess all the powers, authority, rights, and privileges, and shall and may do all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Burlington and Dry creek turnpike road company, by an act approved February 28, 1849; and all the provisions of said act are hereby revived and made part hereof, except so far as they are local in their application, or come in collision with the foregoing sections: *Provided*, that the treasurer of this company shall only be required to execute bond in the penalty of five thousand dollars; and the road shall commence from a point east of the town of Burlington, at the foot of Washington street: *and, provided*, that the calls on each share shall be at one time not more than two dollars and fifty cents; and it shall not be necessary to publish any notice or other matter relating to the affairs of said company in any newspaper: *and provided, also*, that the aforesaid company shall commence the prosecution of their work on or before the first day of January, 1852.

Approved February, 3, 1851.

CHAPTER 218.

AN ACT to incorporate Edmunton Division, No. 129, Sons of Temperance.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Edmunton division, No. 129, sons of temperance, of Edmunton, be and they are hereby created a body politic and corporate, by the name and style of Edmunton division, No. 129, sons of temperance, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use of said division; to receive all necessary conveyances, and sell, dispose of and convey all such real and personal estate as they now have, or may hereafter acquire: *Provided*, the amount vested in real estate, exclusive of the buildings thereon, shall at no time exceed five thousand dollars.

§ 2. That the management of the prudential and fiscal concerns of said corporation shall be and is hereby confided to John L. Douglass, George M. Kikendall, and John M. Shirley, worthy patriarch, worthy associate, and recording scribe of said division, and their successors in office, as trustees thereof, who, or a majority of whom, shall have

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When organized, to have the usual corporate powers.

Members incorporated.

Who to control said corporation

1851.

full power to make all contracts pertaining to the real and personal estate, in any respect, either in purchasing, building, or renting, or for any other purpose, which shall be binding and obligatory on said division, when made in pursuance of the rules, by-laws, and regulations of said division; and likewise, by and with the consent of said division, said patriarch, associate, and scribe, or their successors in office, as trustees as aforesaid, for the time being, may sell and convey any of the real or personal estate of said division; and service of process or notice upon any of said trustees shall be sufficient notice to said corporation.

May enact by-
laws, &c.

§ 3. That said division may at any time pass such by-laws, rules, and regulations for the government, management, and safe-keeping of the property of said division as may be necessary, not inconsistent with the constitution and laws of this state; and any money recovered for any trespass or injury done or committed on or to the property aforesaid, shall be for the use and benefit of said division, and shall be so applied.

§ 4. That the general assembly hereby reserves to itself the right to change, alter, or modify this act, and the powers hereby granted, at pleasure.

Approved December 21, 1850.

CHAPTER 219.

AN ACT to amend the charter of the Bank Lick Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said company, under the regulations and restrictions contained in their charter, be and they are by authorized to construct said road to the Pendleton county line, instead of terminating at the end of seventeen miles, as now provided by law.

§ 2. That said company be and they are hereby authorized to extend said road ten miles from its present termination; and when ten additional miles are graded and the streams bridged, they shall any may erect one full or two half toll gates.

Approved February 8, 1851.

CHAPTER 220.

AN ACT for the benefit of Lucretia Stephens, administratrix of James Stephens, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the time of three years, from and after the passage of this act, is hereby given to Lucretia Stephens, administratrix of James Stephens, late a justice of the

peace for Whitley county, to list and collect the fees due the said James; and said fees, when made out and listed, shall be collected as other justices' fees.

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Approved February 8, 1851.

CHAPTER 221.

AN ACT to incorporate the Licking Packet Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Taylor, Hiram Bond, and Joseph A. Keen, of Kenton county, and their associates, are hereby constituted a body politic, under the name of the Licking packet company; and in that name may sue and be sued, in any court in this commonwealth having jurisdiction of the same.

Name and style.

§ 2. That said company shall have power to purchase steam ferry boats and lands on the Licking river, in the city of Covington, and adjacent thereto, of the value of fifty thousand dollars; said company is hereby privileged to run a packet boat from South Covington to the city of Covington and to Cincinnati, for the term of twenty years; and may ask and receive for freight and passengers such an amount as the county court of Kenton may fix as rates; and shall in all respects be responsible, as ferry keepers and owners now are by law responsible, who have and keep ferries on the Ohio river.

Corporate powers.

§ 3. That, in consideration of the privilege hereby granted, said company shall remove any obstruction to the navigation of the river which may now or hereafter exist, and shall keep their landings in good order: *Provided*, that nothing in this act contained shall be so construed as to prevent the legislature of this state from exercising complete control over said river, for any state or national purpose: *And, provided further*, that the legislature may at any time change, alter, or amend this charter, in consequence of any abuse of any of the privileges herein granted.

To remove any obstruction to navigation.

Approved February 8, 1851.

CHAPTER 222.

AN ACT to authorize the Trustees of the town of Springfield to subscribe stock in a Turnpike Road.

Whereas, it is represented to this general assembly that on the 4th day of May, 1850, a vote was taken by the citizens of Springfield, Washington county, upon the question of subscribing five hundred dollars in stock in the Lebanon, New Market, and Springfield turnpike road company, which vote resulted as follows, viz: fifty-five for the tax, and four against it; and whereas, the trustees of

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said town doubt their legal power to carry out the will of the people thus expressed. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of said town may, immediately after the passage of this act, hold a meeting, and, upon the concurrence of a majority of the board aforesaid, assess an *ad valorem* tax upon all the property of said town subject to taxation, sufficient to raise the sum of five hundred dollars, as aforesaid; two hundred and fifty dollars of which they may cause to be collected in the year 1851, and the remaining two hundred and fifty dollars in the year 1852; which sums, when collected, shall be applied to the purposes of this act, and to none other; and the chairman of said board of trustees, with the concurrence of a majority of the same, is hereby authorized to subscribe the aforesaid sum of five hundred dollars in stock of the aforesaid turnpike road company, in accordance with this act, for the benefit of said town.

Approved February 8, 1851.

CHAPTER 226.

AN ACT to incorporate the Mount Gilead and Mount Carmel Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph Wallingsford, Abner Hord, Walter Calvert, jr., Martin Marshall, Francis T. Hord, M. P. Wallingsford, and George C. Richeson be and they are hereby constituted a body corporate, and are authorized and empowered to construct a turnpike road from the Maysville and Mount Sterling road, leaving the Fleming turnpike at any point between the first gate after leaving Maysville and the bridge across Mill creek, through Mount Gilead, to the town of Mount Carmel, under the name and style of the Mount Gilead and Mount Carmel turnpike road company; and by that name to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and be invested with all the rights, powers, and privileges, and be under the same restrictions that are now conferred upon or attached to the Maysville and Mount Sterling road by law. The said road shall be constructed of stone, plank, or gravel, as the directors may determine.

Approved February 8, 1851.

CHAPTER 228.

AN ACT to incorporate the Lexington Savings Institution.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Savings institution is hereby established at the city of Lexington, to be called the Lex-

Institution incorporated.

1851.

ington savings institution; and, by that name, shall have all the rights and privileges of a natural person, in suing and being sued, answering and defending in all courts of law and equity.

§ 2. That James W. Cochran, James C. Butler, John J. Hunter, John McMurtry, Hiram Shaw, J. F. Frazier, Richard Pindell, W. King, S. M. Letcher, Benjamin Bailey, Thomas Bradley, Thomas G. Randall, John C. Darby, and W. E. Milton, or any three or more of them, may, at such time and place as suits their convenience, open books for the subscription of stock, which shall be in shares of fifty dollars each; and when two hundred shares shall be subscribed, and one dollar per share paid thereon, the stockholders may meet and elect seven directors, who shall serve one year, and until their successors shall be elected. The directors may annually elect a president of their number.

Commissioners.

§ 3. The president and directors may adopt a seal, and change it at pleasure; they may appoint all necessary agents and officers, fix their compensation, and take bond and security for the faithful discharge of their duties. They may prescribe the manner of paying in the stock, and the transfer thereof. They shall have a lien on the stock for debts due them before other creditors, excepting the state for taxes.

Directors may appoint all necessary officers.

§ 4. This corporation shall have all the rights and privileges of the chartered banks of the state, except they shall not issue paper as a circulating medium. They may discount notes payable at any of the chartered banks or moneyed institutions of the state; may buy and sell stocks, deal in exchange, and gold and silver bullion. They shall receive on deposit any and all sums not less than one dollar per week, offered as stock deposits; and infants and *femes covert* may deposit therein, and control the deposits so made, and when it shall amount to fifty dollars it shall be stock. They may receive, on general or special deposit, gold and silver coin, and bank notes, and allow such interest thereon as may be agreed upon; and twice, per year, declare and pay to stockholders a dividend of profits.

Powers of the corporation.

§ 5. The president and directors shall annually appoint the time and place of holding the election of their successors, and two or more of their number shall attend and conduct said election. They may, at any election, decrease their number to not less than five. The right to alter or repeal the provisions of this charter is reserved to the general assembly.

Annual election of directors.

Approved February 10, 1851.

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CHAPTER 229.

AN ACT to amend the law incorporating the Carrolton and Eagle Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the nineteenth section of an act, entitled, an act to incorporate the Carrolton and Eagle creek turnpike road company, approved March 7, 1850, as requires the said company to grade said road forty feet wide, and cover the same with metal, or McAdamized stone, or planks, to the width of sixteen feet, be and the same is hereby so amended as that said company shall be required to construct said road on a grade of not less than thirty-two feet wide, and cover the same with metal, or McAdamized stone, or plank, to the width of not less than ten feet.

Approved February 10, 1851.

CHAPTER 230.

AN ACT to incorporate the Peach Orchard Coal Company.

Company incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be and is hereby established at Peach Orchard, in the county of Lawrence, and commonwealth aforesaid, a company to be denominated the Peach Orchard coal company, with a capital of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for in manner hereinafter specified; which subscribers and stockholders shall be and are hereby created a body politic and corporate, by the name of "The Peach Orchard coal company," from the time of the passage of this act until the first day of January, 1900; and, by that name, the said company shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever; with full power and authority to themselves and their successors to acquire, hold, possess, use, and enjoy such land, rents, tenements, and hereditaments, goods, chattels, property, and effects, as may be proper for conducting the business of mining and dealing in coal, and to build such railroads for the conveyance of coal to and upon the Big Sandy river, driving such tunnels through the hills from the coal beds to be worked to the said river, building such mills and buildings, and making all such other improvements in the said county of Lawrence, or elsewhere upon the Big Sandy river, as may be necessary for properly conducting the business of the said company; and also to sell, alien, demise and convey, lease, mortgage and pledge any real or personal property and effects of the said company, in such manner as

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may become necessary in transacting and facilitating the business of the said company; and the said company may have and use a common seal, and the same alter, amend, break, and renew at pleasure; and they shall also have the power of making, establishing, and executing such by-laws, rules, and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, the same be not inconsistent with the spirit of this act, nor contrary to law.

§ 2. That the real and personal estate, business, property, funds, and prudential concerns of said company shall be under the direction, management, and control of a president and six directors; and after the first election, to be made as hereinafter specified, the stockholders shall hold a general meeting on the first Monday of June, annually, at such time and place, and under such rules and regulations as shall be specified by the by-laws of said company; at which meeting the said officers shall be elected in such manner as shall be prescribed by said by-laws, for the term of one year, and until their successors are elected.

Directors to be
elected annually

§ 3. That at every election, and at all meetings of the stockholders held under the provisions of this act, each and every stockholder shall be entitled to one vote for each share of stock he may own; and any stockholder, not personally present at any such election or meeting, may vote by proxy, such proxy being a stockholder attending such election or meeting, and presenting his authority, in writing, from his principal: *Provided*, that in case it should happen that an election of president and directors should not be made on the day when, by this act, it should have been made, this corporation shall not for such cause be dissolved, but it shall and may be lawful for such stockholders to make an election of president and directors on any other day, in such manner as may be specified by the by-laws of said company; and in case of the death, resignation, or permanent absence of any one of said officers, his place may be filled by some stockholder to be elected by a majority of the remaining members of the board.

Respecting
votes of stock-
holders.

§ 4. That the president and directors, or a majority of them, shall have power to elect and appoint such agents, officers, and servants under them, as they may deem proper, fix their compensation, define their powers, prescribe their duties, and remove them at pleasure.

Directors may
appoint necessary
officers under
them, and fix
their compensa-
tion.

§ 5. That J. L. Hyatt, Hamilton Smith, and J. F. Bullitt, of the city of Louisville; J. D. Stevenson, J. B. Casey, and A. H. Jamison, of the city of Covington, and Wm. P. Mel-
len. Zattea Cushing, and Archibald Borders, of the county of Lawrence, are hereby constituted and appointed commissioners to open books and receive subscriptions for the capital stock of said company, and to superintend the elec-

Commissioners.

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tion of the first board of directors, which shall consist of seven stockholders, who, after their election, shall elect one of their number to be president of the said company; which president and directors shall hold their offices until the first Monday in June, after their election, and until their successors are elected as hereinbefore provided for.

When books
to be opened.

§ 6. That any three of the above named commissioners shall be competent to exercise the powers and perform the duties required of the said commissioners by this act; and they are hereby authorized, at any time after the passage of this act, by giving ten days' previous notice thereof in one paper printed in the city of Louisville and in one paper printed in the city of Covington, to open books for subscription for the capital stock of said company at Louisville, Covington, and such other places as they may deem expedient, and to keep such books open from week to week, or close them at one time and open them at another, as shall be most conducive to subscriptions for the entire amount of said capital stock; and whenever the whole amount of said stock, or five hundred shares thereof shall have been subscribed for, then the said commissioners, or a majority of them, shall notify the stockholders of the amount taken, and shall proceed to hold an election of seven directors, upon ten days' notice in manner above specified; and said commissioners, or some three of them, shall preside at such election and act as judges and inspectors thereof.

Payments on
stock, how to be
made.

§ 7. That for every share of stock subscribed to the said company, the commissioners, or their agents, shall receive at the time of subscribing, or before the election of the first board of directors, the sum of twenty dollars; the residue of such subscriptions shall be paid in such instalments and at such times as may be required by the president and directors of the company; and if any stockholder shall fail to pay any instalment required to be paid as aforesaid, for thirty days from the time he shall have personal notice, in writing, of such requisition, then the said president and directors may, upon ten days' notice to such delinquent stockholder of the time and place of sale, proceed to sell such share or shares belonging to such delinquent at public auction to the highest bidder, who, upon presentation of his certificate of said purchase, shall be entitled to a transfer of the share or shares so purchased by him, upon the books of the said company; and proceeds of such sale shall be applied towards the payment of the balance of the purchase money for the shares so sold, and if there shall be a surplus after such payment, the same shall be paid over to such delinquent, but if there shall remain a balance due on account of the subscription for the shares so sold, then the company may sue for and recover the same.

§ 8. The stock of the said company shall be assignable only on the books of the said company, and shall be, to all intents and purposes, considered personal property, and no delinquent stockholder shall have a right to transfer any share of stock which is not fully paid for, nor to vote at any meeting of the company on any share for which he may be delinquent; and all debts due from a stockholder to the company shall be a lien in favor of the company upon the stock owned by him.

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Certificates of
stock assignable

§ 9. That no stockholder, after the first election of officers of the said company, shall vote at any election of the officers of said company, upon any shares of stock which shall not have been transferred on the books of the company for at least sixty days previous to such election.

§ 10. That the president and directors shall, from time to time, make such dividends arising from the profits of the business of the said company as they may think proper; they may also make, alter, amend, or annul such rules; orders, and by-laws for the government of the said corporation, its agents, officers, and servants, as they, or a majority of them may, from time to time, deem expedient: *Provided*; that the same be not contrary to law nor to the spirit of this act.

Dividends to
be declared.

Approved February 10, 1851.

CHAPTER 231.

AN ACT to incorporate Magnolia Lodge, No. 201, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Magnolia lodge, No. 201, of free and accepted masons, of Mackville, in Washington county, be and they are hereby constituted a body politic and corporate, by the name of Magnolia lodge, No. 201, of free and accepted masons, with perpetual succession; and, by that name, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered, in all courts of law and equity in this commonwealth; and may hold real and personal estate for the accommodation of said lodge, and receive conveyances of the former to any amount not exceeding two thousand dollars, exclusive of the buildings thereon; and any damages recovered for any trespass committed on or to the property of said lodge, shall be for the use and benefit thereof, and shall be so applied.

Members
incorporated.

§ 2. That the master and wardens of said lodge, and their successors in office, shall be trustees thereof, and may, by and with the consent and approbation of said lodge, adopt such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as

Who to man-
age said cor-
poration.

1851. may be necessary for the protection, management, and safe-keeping of the property aforesaid.

§ 3. The general assembly hereby reserves to itself the right to modify or repeal this act at pleasure.

Approved February 10, 1851.

CHAPTER 232.

AN ACT to empower the County Court of Bracken to take stock in Turnpike Roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Bracken to subscribe, take, and hold stock in any turnpike road company or companies, within and passing through the county of Bracken, in any sum not exceeding one thousand dollars per mile; and it shall and may be lawful for the said county court, after giving six weeks' notice thereof, by public advertisement in the several precincts of said county, upon a day named in said advertisement, to take the sense of the qualified voters of said county as to the policy of said county court becoming a subscriber to the stock of said company or companies to any amount which may have been proposed in said notice, not exceeding the sum above specified; and it shall be the duty of the officers conducting such election to open columns in the various precincts in said county, and take all necessary steps for correctly ascertaining the sense of the qualified voters thereof, as aforesaid; and, provided a majority of all the qualified voters of said county who shall have cast their votes at said election shall be in favor of the said subscription or subscriptions of stock, as proposed by said county court, it shall be the duty of the county court to empower and direct their clerk to subscribe for the amount of stock authorized by the voters of said county, not exceeding the sum specified in said notice; and it shall be lawful for said county court, so authorizing subscription to the capital stock of said company, to raise the amount of their subscriptions as the same may be called by the president and directors of said road or roads, by a tax on the real and personal estate of the said county, or by borrowing thereof, payable in the way and on the terms the said county court may deem most advisable; and the interest on all sums borrowed may be provided for in such manner as to them seems best: *Provided*, that all taxes laid by said court to pay the principal and interest, or either, of the amounts borrowed by them, shall be pledged and sacredly appropriated to such purpose, and no other: *And, provided further*, that the said county court, so becoming stockholders, shall have the power to vote, by proxy, for all the officers of said company; and the

dividends arising on said roads, to the extent of the stock of said county, shall go into the county treasury to go towards decreasing the county levy.

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Approved February 10, 1851.

CHAPTER 234.

AN ACT to incorporate Warren Lodge, No. 110, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Warren lodge, No. 110, of free and accepted masons, of Leesburg, Harrison county, be and they are hereby created a body politic and corporate, by the name and style of Warren lodge, No. 110, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances, to sell, convey, or dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed five thousand dollars.

Members incorporated.

§ 2. The management of the concerns of said corporation shall be and is hereby confided to the master and wardens of said lodge, for the time being, and their successors in office, as trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to the real or personal estate of said lodge; to sue for and be sued; and service or process or notice on any of said trustees shall be sufficient notice to said corporation.

Master & wardens to manage the concerns.

§ 3. The general assembly hereby reserves the right to repeal or change the provisions of this act at pleasure.

Approved February 10, 1851.

CHAPTER 235.

AN ACT to incorporate the Kentucky Female College, at Greensburg.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Barret, Josiah Brummal, John M. S. McCorkle, William B. Allen, Richard L. Moore, William Hobson, and Aaron Harding, as trustees, and their successors in office, together with the principal of said school, be and they are hereby created a body politic and corporate, by the name and style of the Kentucky female college, which shall be located in Greensburg, in Green county; and, by the title aforesaid, shall have perpetual succession, with power to sue and be sued, plead and be im-

Trustees incorporated.

1851.

pleaded, contract and be contracted with; to acquire, hold, and convey property, both real and personal, and have and use a common seal, which they may alter, renew or modify at pleasure, or may act without one, and may do and perform all other acts which similar corporations may of right do.

Powers of the trustees.

§ 2. The trustees incorporated by this act shall, at their first meeting after its passage, choose from their own body a president, treasurer, and secretary; and they shall have power to fill all vacancies occurring in their own body, or in said offices; and at all meetings of the board a majority shall constitute a quorum to do business.

Further powers.

§ 3. That the trustees shall have power to appoint a principal of said institution, and such professors and instructors as may at any time be necessary for the instruction of the pupils therein in the arts and sciences, and in all necessary useful and ornamental branches of a thorough and liberal education, such as are taught in the best female colleges or academies; and the said trustees shall have power to make such rules and regulations as they may deem expedient for the government and conduct of said institution; to prescribe such course of study, and such mode of instruction therein as they may judge best, and to confer on those pupils they may deem worthy, all such honors and literary degrees as are usually conferred by the best female institutions.

§ 4. It shall be the duty of said trustees to appoint visitors to said institution, whose duty it shall be to attend all public examinations of the students, and make report and publication thereof.

Approved February 10, 1851.

CHAPTER 237.

AN ACT to incorporate the Mayslick and Helena Turnpike Road Company.

Company is incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby formed and incorporated to construct a turnpike road from the terminus of the Helena turnpike road, at or near the Upper Blue Lick road, to the town of Mayslick, in the county of Mason, under the name and style of the Helena and Mayslick turnpike road company; and, by that name, may sue and be sued, plead and be impleaded, in all courts in this commonwealth, and have and use a common seal, and alter and annul the same at pleasure.

Capital stock.

§ 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of one hundred dollars each, and each share shall be entitled to one vote.

Commissioners.

§ 3. That Thomas M. Forman, Charles Clarke, Francois Wheatley, John Willet, Basil Duke, and Aaron Mitchell are

hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock; at such times and places as they, or any three of them, may deem expedient; and so soon as two and a half miles of said road may be completed, said company shall have a right to erect a gate and charge half toll.

§ 4. That all the rights, privileges and liabilities that are conferred on the Maysville, Orangeburg and Mount Carmel turnpike road company, by an act approved March 1, 1850, be and the same are hereby conferred upon the said Helena and Mayslick turnpike road company.

§ 5. That the road tax that was payable on the Helena road, prior to the construction of the Helena turnpike, shall be and the same is hereby appropriated to the completion of said turnpike to its intersection with the Upper Blue Lick road, under the superintendence of the overseers appointed upon said unfinished road.

§ 6. That it shall be the duty of the overseers to give at least three days' notice to each person owing tax or labor on said road, of his intention of working the same, and upon failure of the parties, so notified, to attend and work out said tax, the overseers shall sue for and collect the same, and shall appropriate it to the completion of said turnpike road.

§ 7. That all taxes still due, and which have become due since the passage of the act to which this is an amendment, shall still be liable to be worked out or collected, as set forth in the previous section of this act.

§ 8. That, for the more speedy completion of said road, the overseer shall have the right, when those owing tax upon said road may prefer doing so, to give credit for the next year, and so on, for labor performed over the amount of tax then due, and shall give credit for any labor heretofore performed, to be deducted from the tax hereafter due.

Approved February 10, 1851.

1851.

Powers of the Maysville, Orangeburg and Mt Carmel road granted.

Road tax payable on Helena road to be expended on this road.

Notice to be given.

Taxes still due to be worked out or collected.

Further regulations.

CHAPTER 238.

AN ACT for the benefit of the sheriffs of Owen, Daviess, and Monroe counties.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sheriffs of Owen and Daviess counties be allowed until the first day of May, 1851, to return their lists of delinquents of revenue tax.

§ 2. That A. Lee, late sheriff of Daviess county, have two years, from and after the passage of this act, to collect and distrain for all arrearages of taxes and fees due him for the years 1848 and 1849: *Provided*, that he shall be liable to all the penalties now imposed by law for issuing and collecting illegal fee bills or taxes.

1851.

§ 3. That the provisions of this act shall apply and be extended to Benjamin F. Bedford, late sheriff of Monroe county.

Approved February 10, 1851.

CHAPTER 239.

AN ACT to incorporate the South Elkhorn and Midway Turnpike Road Company:

Company in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed for the purpose of making an artificial turnpike road on the McAdams plan, beginning at the terminus of the Georgetown and South Elkhorn turnpike road, running by way of Robert Risk's mill, on South Elkhorn, in Scott county, to Midway, in Woodford county, under the name and style of the South Elkhorn and Midway turnpike road company.

Capital stock.

§ 2. The capital stock of said company shall not exceed twenty thousand dollars, to be divided into shares of one hundred dollars each. Subscriptions of stock shall be opened at such places as the commissioners hereinafter named shall select, on the second Monday in February next, or in convenient time thereafter, and to continue open for twelve months, unless the whole stock is sooner subscribed.

Commissioners.

§ 3. That the following persons are appointed commissioners to perform the several duties required by this act, viz: William Patterson, Robert Risk, sen., Robert Risk, jr., and George Stone, in Scott county; and Warren Viley, Lewis T. Payne, James W. Parish, and Loyal P. Sawin, in Woodford county.

Obligation.

§ 4. That said commissioners, or such of them as may act, shall procure books and receive subscriptions of stock; and the subscribers of stock shall subscribe an obligation of the following tenor, to-wit: "We, whose names are here-to subscribed, do respectively promise to pay to the South Elkhorn and Midway turnpike road company the sum of one hundred dollars for each share of stock set opposite our names, in such proportions and at such times as shall be determined by said company."

Time of meet-
ing, and direct-
ors to be elected

§ 5. That so soon as fifty shares of said stock is subscribed, it shall be the duty of said commissioners, or such of them as may act, to call a meeting of the stockholders at such place as they may deem proper, notice of such time and place of meeting being first given for ten days, by written notice posted on the court house door in Georgetown, and at some public place in Midway, for the purpose of electing officers; and the votes at such election shall be regulated by the number of shares, allowing one vote for each share.

Width & grade
of the road.

§ 6. That said road shall be levelled, and graded twenty feet in width, and its greatest elevation shall not exceed

four degrees ; the part covered with stone, or McAdamized, shall not exceed fifteen feet, and be fully nine inches in depth.

§ 7. That the president and directors of said company shall fix the location of said road on such route as they, in their judgment, may deem best, observing the points named in this act ; and shall possess all the powers granted to the officers of the Great Crossings and Stamping Ground turnpike road company, with the same restrictions as are imposed on said company, and be entitled to like tolls and profits.

Directors to locate the road.

§ 8. That the county court of Woodford county may subscribe for stock for the construction of said road, any sum not exceeding five thousand dollars, and may authorize a levy of an *ad valorem* tax upon the real estate in said county, not exceeding six cents on each one hundred dollars worth of such estate, to be appropriated in payment of the stock subscribed.

Woodford county court may subscribe stock.

Approved February 10, 1851.

CHAPTER 240.

AN ACT to incorporate the New Liberty and Kentucky River Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed for the purpose of making a turnpike road on the McAdams plan, from New Liberty to the Kentucky river, in the county of Owen, under the name and style of the New Liberty and Kentucky river turnpike road company; and, by that name and style, shall be a body politic and corporate.

Name and style.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each ; and subscriptions therefor shall be opened at such place or places as the commissioners hereinafter named shall select, on the first Monday in April next, or some convenient time thereafter, and continue open for twelve months, unless the capital stock shall be sooner subscribed.

Capital stock.

§ 3. That James P. Orr, D. W. Cull, A. McNeal, John Elmore, John Q. Baker, Wm. Alexander, and Wm. G. Simpson are appointed commissioners to receive subscriptions to the capital stock of said company.

Commissioners.

§ 4. That said commissioners, or such of them as may act, shall procure one or more books, and the subscribers therein shall subscribe an obligation of the following tenor, viz : "We, whose names are hereunto subscribed, do respectively promise to pay to the New Liberty and Kentucky river turnpike road company the sum of fifty dollars for each share of stock set opposite our respective names, in such proportions, and at such times as shall be determined on by said company."

Obligation.

1851.

Organization
of the company.

§ 5. That so soon as one hundred shares of stock shall be subscribed, it shall be the duty of the commissioners, or such of them as may act, to give notice of a meeting of the stockholders, at such place as they may designate, for the purpose of electing officers of said company; said notice to be by advertisement for fifteen days previous to such meeting, at the town of New Liberty; and in said election each stockholder shall be entitled to one vote for each share of stock in said company owned by him.

§ 6. The officers of said company shall consist of a president and five directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company, who shall hold their offices for one year, and until others shall be elected.

Corporate
powers.

§ 7. That when said company shall be thus organized, it shall have perpetual succession, and all the privileges and franchises incident to a corporation, in the same manner and to the same extent as are conferred upon the Great Crossings and Stamping Ground turnpike road company by an act approved February 25, 1848.

Grade and ele-
vation.

§ 8. That said road shall be graded twenty feet in width, and its greatest elevation shall not exceed five degrees; the part to be covered with stone shall be fifteen feet in width and fully nine inches in depth.

Approved February 10, 1851.

CHAPTER 241.

AN ACT to incorporate McKenzie Temple of Honor, No. 6.

Members in
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of McKenzie temple of honor, No. 6, in the town of Clinton, Hickman county, be and they are hereby created a body politic and corporate, by the name and style of McKenzie temple of honor, No. 6, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said temple; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Trustees to
manage con-
cerns of corpo-
ration.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to C. R. Mobley, J. W. Piner, J. A. Meshew, G. W. Ray, and T. L. Dodge, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said tem-

ple ; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

§ 3. That the trustees named in the second section of this act, shall continue in office until the 15th day of June, 1852, when the members of said temple shall elect five trustees, and annually thereafter, in the month of June, a like election of trustees shall be held: *Provided*, that said board of trustees shall have power to fill all vacancies in their own body which may occur by death, resignation, or otherwise, and pass such by-laws, rules, and regulations, not inconsistent with the laws and constitution of this state and the United States, as may be necessary to the management and safe-keeping of the property and other interests of said temple ; and may have and use a common seal, and change the same at pleasure ; and in conveying real estate it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. The general assembly hereby reserves the right to alter, modify, or repeal this act at pleasure.

Approved February 10, 1851:

CHAPTER 242.

AN ACT in relation to the Seminary fund of McCracken county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of James C. Calhoun, commissioner appointed by the McCracken county court, to sell the seminary lands belonging to said county, at the next March term of said court, or, if no court shall be held at that time, then at the first court thereafter ; to report the amount of money received by him for said seminary lands, and the amount of notes therefor in his hands remaining unpaid.

Commissioner
to make report.

§ 2. That it shall be the duty of said county court, immediately after receiving the report of said commissioner, showing the amount of money and notes in his hands belonging to said county, to appoint a treasurer, who shall execute bond with two or more good sureties, to be approved of by said court, in a penalty double the amount of money and notes reported to said court by said commissioner, conditioned for the faithful performance of his duties hereinafter prescribed, which bond shall be made payable to the justices of McCracken county, and to such persons as may be hereafter authorized by law to hold said county court ; and said treasurer shall also take an oath faithfully to discharge the duties of his office.

Treasurer to
be appointed.

§ 3. That it shall be the duty of said treasurer, as soon as practicable after his appointment and qualification, as aforesaid, to collect from said commissioner all the money and notes in his hands which belong to said county by

Treasurer's duty

1851.

virtue of sales made of said seminary lands by the said commissioner.

Fund to be kept
for educational
purposes.

§ 4. That said fund, when collected, shall be kept as a permanent fund for purposes of education in McCracken county, exclusive of the town of Paducah.

To be loaned
out.

§ 5. That it shall be the duty of said treasurer, as soon as practicable after he collects said fund, or any part thereof, to loan out the same at a rate of interest not to exceed six per cent. per annum, taking bonds or notes for the same, payable to himself as treasurer, with good surety; but no loan shall be for a longer time than one year; the interest on the amount so loaned shall be collectable on the first day of January in each year; and he may, at the expiration of the time for which said money, or any part thereof, may have been loaned, renew the same, or he may collect it; but it shall be the duty of said treasurer, and his successors, to loan out said money from year to year at interest, as above directed.

Treasurer's duty

§ 6. That it shall be the duty of said treasurer, and his successors, to keep an account of the state of said fund, the disposition made of the same, together with the interest arising thereon; and it shall be his further duty to report to said county court, at its January term in each year, or, if no court be held in January, then at the next court thereafter, on oath, the amount and situation of said fund, and the interest received on the same; and it shall be his duty to collect the interest on said fund up to that time, and report the amount of interest so collected, and the amount uncollected, if any.

Further regu-
lations.

§ 7. That it shall be the duty of said treasurer, and his successors, annually, to pay over to the trustees of common schools in each district then organized in said county, exclusive of those in the town of Paducah, for the use and benefit of such schools, the proportion of interest arising from the loan of said fund to which such district would be entitled if a school had been organized and was in operation in each district in said county, said county court having first made an order directing such payment, the sum to be paid, and designating the district or districts to which it shall be paid.

§ 8. That the portion of interest arising from said fund, which would belong to those districts, in said county, in which schools may not be organized, if schools were organized in the same, shall be by said treasurer, and his successors, loaned from year to year for the benefit of such districts, whenever they shall be organized, and whenever any one of said districts shall organize, it shall be entitled to its proportionate share of said interest, and the said treasurer shall pay over the same to the trustees of any such district, the said county court first making an order

directing such payment, the sum to be paid, and designating the district or districts entitled to the same.

1851.

§ 9. That said treasurer shall hold his office until the said county court in , 1853, and until his successor shall have qualified; his successors shall hold their office for two years; and said treasurer may be re-appointed, but shall renew his bond annually. He shall annually receive such compensation as said county court may allow, to be paid out of the interest of the money so loaned by him: *Provided*, said compensation shall not exceed two per centum on the sum actually loaned.

§ 10. That the said treasurer may institute suit, in any of the courts in this commonwealth, having jurisdiction of the same, on any note or notes which he may receive from said commissioner, or on any note or notes which may be executed to him as treasurer aforesaid.

How suits may
be brought.

§ 11. That it shall be the duty of said treasurer, immediately after the appointment and qualification of his successor, to hand over to such successor all moneys, bonds, notes, accounts, and other things in his possession pertaining to said fund, and, on his failure to do so, said county court may proceed forthwith, on the application of such successor, to render judgment in his favor and against said former treasurer and his sureties, for such sums as may not be paid over, as aforesaid, with costs; and said court shall award execution for the same.

Approved February 10, 1851.

CHAPTER 243.

AN ACT to authorize a change in the State Road leading from Canton to Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Graves county court, a majority of its members being present, shall have power to change so much of the state road leading from Canton, in Trigg county, to Hickman, in Fulton county, as runs through the lands of William I. Brown, of Graves county: *Provided*, that said court, in making such change, shall be governed by the general laws now in force in relation to roads in this commonwealth: *And, provided further*, that before any change shall be made, the proposed road shall be opened out and put in good order.

Approved February 10, 1851.

1851.

CHAPTER 244.

AN ACT to authorize the Clerk of the Allen Circuit Court to transmit certain papers now in his possession to the Clerk of the Barren Circuit Court.

Whereas, Elizabeth Godley and Achilles Jamison, on the 27th day of November, 1835, filed their bill in the Allen circuit court against James Stark and others, which suit, after some progress, was removed to the Butler circuit court, where the same was finally settled by decree, since which time Thos. S. Burton has instituted suit in the Allen circuit court against said Stark, in which the aforesaid suit of Godley and Jamison, or the papers therein, are referred to and made part thereof, and which papers the clerk of the Butler circuit court permitted, in the year 1849, to be removed to the Allen circuit court, under the impression that an act of the legislature had been passed, directing him to do so, and where said papers now are; and whereas said suit of Burton against Stark has been removed to the Barren circuit court, where it is now depending. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act of the conveyance and removal of said papers from the Butler to the Allen circuit court be and the same is hereby legalized and made valid.

§ 2. That the clerk of the Allen circuit court be directed to forward to the clerk of the Barren circuit court said papers, the same to be filed by said clerk with the papers in the suit of Burton against Stark.

Approved February 10, 1851

CHAPTER 246.

AN ACT for the benefit of David A. Knox.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor is hereby directed to issue his warrant on the treasury, in favor of David A. Knox, of Boyle county, for the sum of nine dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved February 10, 1851.

CHAPTER 247.

AN ACT to incorporate the Hopkinsville Baptist Female Institute.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John P. Campbell, Thomas M. Buck, John Buckner, Hiram A. Phelps, Joseph M. Cheaney, A. Webber, A. G. Slaughter, R. Dillard, and E. B. Richardson, trustees, and their successors, as such, be and they are

Body corporate,
and corporate
powers.

hereby incorporated, under the name and style of the trustees of the Hopkinsville Baptist female institnt, and, by that name, shall have perpetual succession, and a common seal, or may use their individual seals or scrolls, and may sue or be sued, plead and be impleaded, in any court of law or equity in this commonwealth. Said trustees, or their successors, to be chosen annually at the December meeting of the Hopkinsville Baptist church.

§ 2. That said trustees and their successors are hereby invested with full power to receive, by devise or in any other manner, and to hold real estate to the amount of twenty-five thousand dollars, and to receive, hold, and apply any bequests, legacies, and donations which may be made to them for the purposes indicated in their corporate title above; and they shall use and apply said real estate, goods, chattels, and effects according to the directions of the devise, bequest, legacy, or donation, and the by-laws and the regulations of the corporation.

§ 3. Said trustees shall have and be governed by any by-laws or regulations, not inconsistent with this act or the laws of the land, which may be prescribed and adopted by themselves, or by the Hopkinsville Baptist church, as the said church shall determine at the December meeting in each year.

§ 4. The legislature may, at any time, modify or repeal this act.

Approved February 10, 1851.

May receive &
hold bequests.

CHAPTER 248.

AN ACT in relation to the town of Glasgow.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws now in force requiring the citizens of the town of Glasgow to work on the streets of said town, are hereby repealed.

§ 2. That any law now in force requiring the trustees of said town to expend, annually, one half of the taxes paid by the citizens of said town in McAdamizing the streets, be and the same is hereby repealed.

§ 3. That the trustees of said town shall have the right and power to levy and collect an *ad valorem* tax on all property within said town now subject to taxation, any sum not exceeding twenty cents on each one hundred dollars worth of property.

§ 4. That it shall be the duty of the trustees of said town to keep the streets thereof in good order for travel and transportation, and if they shall fail, at any time, to do so, they shall be fined any sum not exceeding five pounds for each and every failure, which fine shall be assessed by

1851. the Barren circuit court, upon an indictment or presentment made by the grand jury.

Approved February 10, 1851.

CHAPTER 249.

AN ACT to appoint two trustees for Rockcastle Seminary, and for other purposes.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richard Williams and Robert Langford be and they are hereby appointed trustees of Rockcastle seminary in place of William H. Wilson, removed, and James Terrill, who has resigned; and hereafter the county court of Rockcastle shall fill all vacancies that may occur in said board.

§ 2. That said board shall report annually to the county court of Rockcastle, at their June term, giving a full report of all funds in their hands, on oath, and the manner in which they have disposed of the proceeds of the lands or other moneys in their hands; and said court shall require such bonds to be given by said board of trustees as they may deem proper to secure the interest of said seminary funds.

Approved February 10, 1851.

CHAPTER 250.

AN ACT for the benefit of the heirs of Joseph Burnett, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for John Larimoe, Elbert Daviess, and Alfred Hathcock, trustees for common school district, No. 22, in Marshall county, for the year 1846, to pay over any and all the money they may have in their possession, or subject to their order, and due Joseph Burnett, dec'd., for a school taught by him in said county and district in the year 1846, to James Boden, who is hereby authorized to receipt for the same; and it shall be the duty of said Boden to use all money received pursuant to this act, in any way that he may think best, for the benefit of the heirs of the said Joseph Burnett, dec'd.

Approved February 10, 1851.

CHAPTER 252.

AN ACT to amend the charter of the Lexington and Covington Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the Lexington and Covington turnpike road company be so amended as to al-

low the company to erect a plank road, in lieu of a McAd-amized road, on that part of said road between Williams-town and the Scott county line, which is now unfinished.

§ 2. That said company shall not make said plank road less than twelve nor more than sixteen feet wide; and said company shall be entitled to the same rates of toll on this portion of the road, when finished, that they are now allowed by the original charter.

Approved February 10, 1851.

CHAPTER 254.

AT ACT to incorporate the Pleasant Run Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed, under the name and style of the Pleasant Run turnpike road company, for the purpose of constructing an artificial road from Rodman's mill-bridge, in Washington county, by the way of Pleasant Run, to intersect with the Perryville and Lebanon turnpike road near the farm of James Mays, in Marion county.

Company formed.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the president and directors may increase it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may see fit so to do.

Capital stock.

§ 3. Books for the subscription of stock in said company shall be opened on the first Monday in May, 1851, or as soon thereafter as may be convenient, at the town of Springfield, under the direction of C. T. Cunningham, C. F. Bosley, William Platt, and Thomas McElroy; at the Pleasant Run steam-mill, under the direction of Isaac Froman, Tho. Creager, Barbenas Thompson, and James P. Barbour; and at Vaughn's store, in Marion county, under the direction of Uriah Gartin, William Mays, Samuel Vansickels, A. Montgomery, Robert Logan, and James Logan, or some two or more of them at each place, who are appointed commissioners. The said commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are hereto subscribed, severally promise to pay the president, directors and company of the Pleasant Run turnpike road company the sum of fifty dollars for each and every share of stock set opposite our names, severally, and agreeably to the act of the generally assembly of Kentucky incorporating said company. Witness our hands this day of 1851." And in case

Books to be opened for the subscription of stock

1851.

any persons wish to pay their stock in work, on said road, they shall append to their names the following words: "to be paid in work on said road, at such time, and in such manner, and at such valuation as may be prescribed by the president and directors of the company."

§ 4. All the sections of an act, entitled, an act to incorporate the Danville and Hustonsville turnpike road company, approved first of March, 1844, beginning at the fourth section and to the thirty-fifth, inclusive, are hereby incorporated and made part of this charter, with all the powers, privileges, rights, and immunities contained therein, so far as practicable.

May pay for
work in stock.

§ 5. The president and directors shall have power to let out portions of said road to individuals, who may agree to construct the same, and take their pay in stock: *Provided*, they do not agree to allow, for the construction of the same, more than the estimated cost of the engineer.

May use stone
or gravel.

§ 6. That the president, directors, and company shall be allowed to use stone or gravel, as they may elect, in the construction of said road, or any part thereof.

When company
may be organ-
ized.

§ 7. Whenever the sum of five thousand dollars of stock shall have been subscribed, said company may organize by the election of a president and six directors, who may proceed to put under contract any part or parts of said road, as they may deem proper.

Who allowed
to subscribe.

§ 8. Individuals or companies may be allowed to subscribe stock in said company, that they will construct one mile, or more, or a fraction of a mile of said road, and may designate the beginning point; and every such subscription shall be construed as part of the five thousand dollars of stock, upon the taking of which the company shall organize, at the rate of two thousand dollars a mile, but in actual stock, shall be such sum as the engineer, with the concurrence of the president and directors, shall estimate the cost to be.

§ 9. That all such publications as are made in the Danville Tribune, by the act incorporating the Danville and Hustonsville turnpike road company, shall be made in the Louisville Weekly Journal.

§ 10. That the legislature reserves the right to alter, change, or amend this act at pleasure.

Approved February 10, 1851.

CHAPTER 255.

AN ACT for the benefit of School District, No. 1, in Lawrence county.

Election to be
held.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of common school district, No. 1, in Lawrence county, be and they are hereby authorized to cause an election to be held, at some con-

venient place in said district, on the third Monday in March, 1851, for the purpose of ascertaining the will of the qualified voters of said district in relation to levying a tax of one dollar on each tithe, and ten cents on each one hundred dollars worth of property in said district, for the purpose of paying for the school house built therein.

§ 2. Said trustees shall give notice, by written advertisements, posted up for two weeks previously in at least three public places in said district, of the time and place of said election, which shall be conducted by two judges, (one of whom shall be a trustee,) a clerk, and a constable of said county, and all of whom shall take an oath, before some justice of the peace of said county, to conduct said election faithfully, impartially, and according to law. The said constable shall put the following question to each voter: "Are you for or against levying a tax of one dollar on each tithe, and ten cents on the one hundred dollars worth of property in this district, for the purpose of paying for the school house?" and those answering for said tax shall be recorded in one column, and those against in another column; and said judges, clerk, and constable shall make due return of the result of said election to the clerk of the Lawrence county court, who shall preserve the same in his office.

How conducted:

§ 3. Should a majority of all the legal voters of said district vote for the tax aforesaid, then the said county court clerk shall notify the sheriff of Lawrence county of such result, who shall thereupon proceed to collect of the owners of property and tithables in said school district, the amount of tax so levied, as the other revenue of said county, and pay over the same to the trustees of school district, No. 1, who shall apply the proceeds thereof to the payment of the expense of building said school house; and for a failure to collect and pay over the same, the sheriff shall be subject to like penalties for a failure to collect and pay over the county revenue: *Provided*, that all those who have subscribed and paid towards building said school house shall have a credit for the amount so paid on their tax account, above specified: *And, provided further*, that the aforesaid taxes shall cease to be levied so soon as the building of said school house is fully paid for.

Approved February 12, 1851.

CHAPTER 256.

AN ACT for the benefit of the securities of James White, deputy sheriff of Mason county.

Whereas, it is represented to the general assembly that James White, a deputy sheriff of Mason county, has, uncollected in his hands a large amount of uncollected taxes,

1851.

and sheriffs' and clerks' fee bills, from the year 1842 to the year 1850, inclusive; and his securities desire the same may be collected speedily, to save themselves harmless. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the present high sheriff of Mason county, or his deputies, to receive the said lists of uncollected taxes and county levies, as also any fee bills of the sheriff or clerk that may remain uncollected in the hands of the said James White, or which were in his hands uncollected; and it shall be lawful for the present high sheriff, or his deputies, to levy, distrain, and collect the said taxes and fee bills, in the same manner as any other taxes or fee bills in his hands for collection.

Approved February 14, 1851.

CHAPTER 257.

AN ACT for the benefit of Caroline Ellis, and others.

Whereas, it appears that Tho. Ellis, deceased, by his will, freed a negro man slave, named Gibson, and gave to said Gibson the property of which he died possessed, amounting to a few hundred dollars; and that said Gibson, after probate of said will, and before the settlement of the testator's estate, departed this life intestate and without heirs, by which the property aforesaid has become liable to escheat to the commonwealth of Kentucky; and it appears that Caroline, Thomas, Elizabeth, Susan, Dorothy, and Betsey Ann Ellis, infant orphans, are the lawful heirs of the said Thomas Ellis, deceased, and five of them are destitute of any means of support. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Caroline, Thomas, Elizabeth, Susan, Dorothy, and Betsey Ann Ellis be and they are hereby made capable, in law, to take the estate so given by the will of Thomas Ellis, deceased, to the said negro Gibson, deceased, in the same manner as though they were the lawful heirs of said Gibson; and the administrator of said Gibson, deceased, is authorized and directed to pay over to the said Caroline, Thomas, Elizabeth, Susan, Dorothy, and Betsey Ann Ellis, each, an equal portion of said estate.

Approved February 14, 1851.

CHAPTER 258.

1851.

AN ACT for the benefit of the Board of Trustees of Common Schools for the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the board of trustees for common schools in the city of Covington be allowed until the first day of March next to make out and forward their report to the superintendent of public instruction; and should said report be made by the time specified, the superintendent of public instruction is hereby authorized and directed to pay over to said board of trustees the amount they would have been entitled to for the year 1850, provided they had reported by the time now required by law.

Approved February 15, 1851.

CHAPTER 259.

AN ACT to authorize the Shelby County Court to sell and convey the poor house in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Shelby county court (a majority of the justices being present and concurring therein,) be authorized and empowered, whenever the court shall deem expedient, to sell and convey all the lands in said county now held by said court for the use and accommodation of the poor of said county, and upon which the present poor house is erected, together with all the buildings and appurtenances thereunto belonging.

Approved February 15, 1851.

CHAPTER 260.

AN ACT to amend and reduce into one the several acts incorporating the Franklin Fire, Marine, and Life Insurance Company of Louisville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the corporation of the Franklin fire, marine, and life insurance company, of Louisville, shall continue and be in force, with succession for thirty years, from the first day of March, 1851, under the name and style of the Franklin insurance company of Louisville, with the privilege of increasing the capital stock of said company, which is at this time one hundred thousand dollars, to two hundred thousand dollars; in shares of fifty dollars each, at the will and pleasure of the stockholders; shall be capable, in law, of suing and being sued, contracting and being contracted with, pleading and being impleaded in all courts of law, and of having and using a common seal, and regulating their affairs by the establishment of proper by-laws; to have, purchase, or receive, possess, enjoy and retain lands, rents, tenements, good

Duration of
corporation,

1851.

chattels, public or private securities of any kind, quality or nature whatsoever, not exceeding, at any one time, more than two hundred thousand dollars; and to sell and dispose of the same at any time, or in any manner; and said company may loan their money: *Provided*, they shall not take a greater rate of interest than at the rate of six per centum per annum, in advance, for notes discounted by them as money loaned by them; and may buy, sell, and collect bills of exchange.

Who to control
the company.

§ 2. That the officers of said company, and the management thereof, shall be under the direction and control of a president and eight directors, who shall be stockholders; and each share of said stock shall entitle the holder to one vote, and the shares may be voted on by proxy, or by the administrator or executor of deceased owner; and the shareholders shall meet at the office of the company, on the first Monday in March in each year, and elect a president and eight directors, who shall continue in office until the first Monday in March of the ensuing year, and until their successors shall be elected; of which election previous notice shall be given in one or more newspapers printed in Louisville; and in case of the death, resignation, or removal from the city of the president, or any director, the remaining directors shall elect some person to fill the vacancy for the residue of the year.

May appoint
agents, &c.

§ 3. That the president and directors, for the time being, shall have power to appoint such officers and agents under them as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the discharge of their respective duties and trusts; and the president and four directors shall constitute a quorum for the transaction of business, or five directors without a president, one of whom shall be chosen president for the time being.

May make in-
surance.

§ 4. The president and directors shall have power and authority, in the name of the company, to make all kinds of insurance upon vessels, boats, or crafts, navigating on the waters of the United States or the high seas; also, against fire, in town or country, and upon the transportation of goods, wares, and merchandise; and to do and perform all matters and things relating to said objects, subject to the regulations and restrictions of the shareholders.

Half yearly
statements to be
made.

§ 5. On the first Monday in September, and on the first Monday in March in each year, half yearly statements shall be made of the situation of the capital, and of the state of the accounts of the company, which shall be laid before the shareholders, with the amount, number, and character of the risks undetermined, and such other matters and things as shall be necessary for the information of the shareholders; and such dividends of the profits may be

1851.

made as the president and directors may think advisable; but they shall not diminish the capital stock; the shareholders may, at the half yearly meetings, pass by-laws and ordinances for the regulation of the business of the company, and the regulation of the president and directors, as they shall think proper, which shall not be repealable, altered or amended, except by the shareholders; and none but a citizen of this state, and a shareholder, shall be eligible as president or director; and no compensation shall be made to the president and directors, unless allowed by a majority of the shareholders at some general meeting.

§ 6. Every writ may be served on the corporation by executing the same on the president or secretary, which shall authorize a judgment by default, if the corporation fail to appear.

What sufficient service of process.

§ 7. It shall be the duty of the president and directors of said company, at least once in each year, (or oftener if they deem it necessary,) to examine all notes given by the shareholders in said company, for the balance due on account of stock already subscribed, or which may hereafter be subscribed; and should a majority of the board of president and directors be of opinion that the surety or sureties of any note is not good, they shall give notice to such shareholders that a new note or notes, with additional or other surety or sureties, is required; and should such shareholders fail or refuse to execute a note or notes, with satisfactory surety or sureties, for the balance due on his, her, or their stock, for the space of thirty days, it shall be the duty of the said president and directors, and they are hereby authorized to advertise such share or shares of stock for sale, in one or more newspapers published in Louisville, for the space of thirty days, and sell such share or shares of stock to the highest bidder, for cash, for that part of such stock which has been paid in cash, or other credit, and for note or notes for that part which has not been paid in cash, with good surety or sureties; and on the payment of the cash, and the execution of the note or notes, with satisfactory surety or sureties, for the residue due on such share or shares of stock, it shall be the duty of the president or secretary of said company, to issue to the purchaser a certificate or certificates of stock, in place of those held by the former owner; and on presentation and surrender of the former certificate or certificates of stock, the president and directors shall pay over to such shareholder the cash for which such share or shares sold, first deducting the cost and charges of such sale.

All notes to be examined at least once every year.

§ 8. The president and directors of the said company shall have a lien on the share or shares of each shareholder, for any debt or demands which such shareholder shall or may owe said company; and they, the said president and directors, shall refuse the privilege to any shareholder

Shall have a lien on each share for any debt or demand.

1851.

in said company to transfer his, her or their share or shares of stock, until all debts and demands the said company may have against such shareholder shall be fully paid; and such lien may be enforced by a written notice to such shareholder, to pay such debt or demands within thirty days; and if the same be not paid, it shall be the duty of the president and directors, and they are hereby authorized, to advertise the sale of such share or shares of stock, for the space of thirty days; and, if not paid within the said thirty days, to sell the same at public auction, to the highest bidder, for that part paid in cash or other credits, for cash, and for that part not paid in cash, for note or notes, with satisfactory surety or sureties; and, on the payment of the purchase money, and the execution of a note or notes, the president and directors shall have issued to the purchaser a certificate or certificates of stock; and, on the application of the former owner, and the surrender of his, her or their certificate or certificates of stock, the said president and directors shall deliver to such shareholder his, her or their stock, note or notes, and him, her or them credit, after deducting the cost and charges of such sale, for the residue of the money for which such share or shares sold, on the debt and demands of the said company against such shareholder; and when such share or shares shall sell for more than the debt and demands, including costs and charges of such sale, of the said company, the president and directors shall pay over the residue, if any, to such shareholder. This section shall not debar the company from any remedy at law against shareholders for any debt or demands which said company have, or may have, against them.

May prescribe
form of certifi-
cate and mode
of transfer.

§ 9. The president and directors of said company shall prescribe the form of certificates of shares of stock, and the manner of transferring such certificates; but the transfer shall be made in a book, to be kept for that purpose by said company, at their place of doing business in the city of Louisville; which transfer shall be made in the presence of and attested by either the president or secretary of the company; and a transfer may be made by such shareholder in person, or by his, her or their agent; the power of attorney to such agent to be duly proven and certified, and lodged with the president or secretary of the company.

§ 10. The general assembly hereby reserves the right, from time to time, to repeal or modify this act.

§ 11. All other provisions of the previous acts are hereby repealed.

§ 12. This act shall not be in force until accepted by a majority of the stock, except the change of the name of the company.

Approved February 17, 1851.

CHAPTER 216.

1851.

AN ACT to incorporate the Springfield and Marion County Turnpike Road Company

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed, under the name and style of the Springfield and Marion county turnpike road company, for the purpose of constructing an artificial road from the forks of the road at Hedge's, near Springfield, in Washington county, to some point on the Green river road, in Marion county, which the president and directors may think most advisable.

Name and style.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the president and directors may increase it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may deem it proper so to do.

Capital stock.

§ 3. Books for the subscription of stock in said company shall be opened on the first Monday in May, 1851, or as soon thereafter as may be convenient, at the town of Springfield, under the direction of James G. Phillips, Wm. Ray, R. C. Palmer, and James Edelen; and at Haysville, under the direction of John C. Riley, James Crowdis, Dr. Foreman, and Wm. Rhineheart; and at John W. Brown's shop, under the direction of James Adams, John W. Brown, John Adams, and Eli Adams, or some two or more of them at each place, who are appointed commissioners; the said commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are here to subscribed, severally promise to pay the president, directors, and company of the Springfield and Marion county turnpike road company the sum of fifty dollars for each and every share of stock set opposite our several names, and agreeably to an act of the general assembly of Kentucky incorporating said company. Witness our hands this day of 1851." And in case any persons wish to pay their stock in work, on said road, they shall append to their names the following words: "to be paid in work on said road, at such time, and in such manner, and at such valuation as may be prescribed by the president and directors of the company."

Books to be opened for the subscription of stock.

§ 4. All the sections of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved 1st of March, 1844, beginning at the 4th section to the 35th, inclusive, are hereby incorporated and made part of this charter, with all the powers, privi-

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leges, rights, and immunities therein contained, so far as practicable.

May pay for
work in stock.

§ 5. The president and directors shall have power to let out portions of said road to individuals, who may agree to construct the same, and take their pay in stock: *Provided*, they do not agree to allow, for the construction of the same, more than the estimated cost of the engineer.

May use stone
or gravel.

§ 6. That the president, directors, and company shall be allowed to use stone or gravel, as they may elect, in the construction of said road, or any part thereof.

§ 7. There shall be no toll gate or gates erected within less than a mile from Springfield.

Organization
of company.

§ 8. Whenever the sum of five thousand dollars of stock shall be subscribed, said company may organize by the election of a president and six directors, who may proceed to put under contract such part or parts of said road as they may deem proper.

Who allowed
to subscribe.

§ 9. Individuals or companies shall be allowed to subscribe, as stock, in said company, that they will construct one mile, or more, or a fraction of a mile of said road, and may designate the beginning point; and every such subscription shall be construed as making part of the five thousand dollars of stock, upon the taking of which the company shall organize, at the rate of two thousand dollars a mile; but in actual stock, shall be such sum as the engineer, with the concurrence of the president and directors, shall estimate the cost to be.

§ 10. That all such publications as are required to be made in the Danville Tribune, by the act incorporating the Danville and Hustonville turnpike road company, shall be made in the Louisville Weekly Journal.

§ 11. That the legislature reserves the right to alter, change, or amend this charter.

Approved February 17, 1851.

CHAPTER 264.

AN AOT to repeal an act for the benefit of Charles Rice, Sheriff of Carter county, approved December 18, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act for the benefit of Charles Rice, sheriff of Carter county, approved December 18, 1850, be and the same is hereby repealed.

Approved February 17, 1851.

CHAPTER 266.

AN AOT to incorporate the Ciceroian Society of Shelby College.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James W. Mathews, Thomas L. Phillips, Charles P. Hite, George M. Jesse, Thomas T.

Name and style.

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Grayson, and James M. Seawell, and their associates and successors, shall be and are hereby constituted a body politic and corporate, to be known by the name and style of the "Ciceronian Society of Shelby College;" and, by that name, shall have perpetual succession, and shall have power to make a common seal, and to alter, change, and break the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, in any court in this commonwealth having jurisdiction of like sums; and shall have power to take and hold, for literary purposes, by gift, grant, or devise, any estate, whether real, personal, or mixed, not exceeding in value the sum of ten thousand dollars; and said society, a majority of its members concurring, shall have power to sell, exchange, and convey said estate, or any part thereof, for the use and benefit of said society.

§ 2. That the Ciceronian society may elect, on the first day of April next, and at such times thereafter as they may deem proper, a president, vice president, treasurer, secretary, and such other officers as they may think fit to appoint and elect; who, upon their election, shall enter upon the duties prescribed by the constitution and by-laws of said society.

Officers, when to be elected.

§ 3. That the Ciceronian society shall have power and authority to ordain and establish such by-laws, rules, and regulations for their government, which are not inconsistent with the constitution and laws of this commonwealth and the laws of Shelby college, as they may think proper.

May make by-laws.

§ 4. That the president, vice president, treasurer, and secretary of the Ciceronian society, for the time being, and their successors, shall take and hold the estate and funds of the society, and, in law, shall be considered the corporators; and in all suits against the corporation, service of process upon said president shall be considered good.

Officers to take and hold the property and fund.

§ 5. That the title of all goods, furniture, and other property, now belonging to the Ciceronian society, shall be as completely and fully vested in said society as if said property had been acquired after the passage of this act.

Title to property vested in the society.

§ 6. That in the case of the extinction of this society, the title to the estate, real, personal, and mixed, of said society, shall be vested in the trustees of Shelby college, who shall hold the same in trust for the use and benefit of said society, whenever revived.

Approved February, 17, 1851.

CHAPTER 267.

AN ACT for the benefit of John B. Whalen, of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Marion

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circuit court, at the next spring term thereof, upon the application of John B. Whalen, to cause to be impaneled and sworn a jury of discreet housekeepers of said county, in nowise related to the parties, who shall inquire into the state of mind of Philip Whalen, of said county, and ascertain whether he was an idiot from the year 1842 to 1848, inclusive; and whether, during the whole or any part of said time, he was the owner of any estate, real, personal, or mixed, and the value thereof; and, if not of sufficient value for his support, whether his parents were alive and able to maintain him; and whether said Philip Whalen, during the whole or any portion of said time, resided in said county of Marion, with the said John B. Whalen, and was of necessity supported and maintained by him, the said John B. Whalen, and, if so, what part of said time; that they also ascertain, by competent proof, whether, during the whole or any part of said time, the personal labor and services of said Philip Whalen were of value equal to his said support and maintenance, and if not, whether the same was of any value whatever, and how much; and, in case said jury, by their said verdict, should determine that the personal services and labor of said Philip Whalen, during the whole or any portion of said time, was not of value equal to his support and maintenance for such time, the said Marion circuit court may, in its discretion, make an allowance to said John B. Whalen for supporting and maintaining said Philip Whalen, for such portion of said time as the jury may so ascertain said Philip Whalen to have been kept by said John B. Whalen, at the rates of fifty dollars per annum, deducting therefrom the value of the labor and services of said Philip Whalen, so ascertained by the said jury as aforesaid; which said allowance shall be certified to the second auditor of public accounts, in the usual form of certifying allowances to committees of idiots, under the laws now in force in this commonwealth, for which the said auditor shall draw his warrant upon the treasury.

Approved February 17, 1851.

CHAPTER 268.

AN ACT to amend the act incorporating the Maysville and Lexington Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of any county, or city council of any city, who shall subscribe stock in said Maysville and Lexington railroad company, under the provisions of an act to which this is an addition, shall be authorized to execute bonds of the county or city, payable to the president and directors of said company, for the amounts

Bond may be executed by any county or city as stock in said road.

1851.

severally subscribed by said counties and cities, payable at such times as may be deemed best by said county courts and city councils; and said courts and city councils respectively, shall have power, and it shall be their duties, severally, to levy and collect upon the real and personal property of said counties or cities, an amount, in money, sufficient annually to pay off the interest on said bonds; which interest shall be levied and collected as other taxes are collected in this state, and by the same collecting officer, under the same penalties, and subject to the same amercements for neglect of duty, as such collecting officer is subject to for a failure to collect and pay over the state or city revenue.

§ 2. That said levy of tax, to raise the interest to become due yearly, shall be made on the real and personal property, as assessed for taxation for state purposes, in each county and city; and if any county court or city council shall, in the discretion given them in the 28th section of the act to which this is an addition, decide to raise the amount or any part thereof, in money, to pay the subscription made to the capital stock of said company, a tax for that purpose may be levied and collected in the same way as provided above in relation to interest; and said courts and city councils, respectively, shall demand bond and security of any sheriff or collecting officer, conditioned for the faithful collecting and paying over said money. The said sheriff or other collecting officer shall be entitled to the same fees and per centage as is allowed for collecting other city or state taxes.

How tax to be levied.

§ 3. That the bonds authorized to be executed by the first section of this act, shall be negotiable and transferable by the order of the president and directors of said company; and the indorsement of the president, countersigned by the secretary, shall be the form of transfer; and all certificates given to tax payers, of interest on county or city bonds, shall also be negotiable by the indorsement of the payer of the said tax; and the stock issued upon any such certificates shall not be deducted from the city or county stock; and to produce equality between city, and county, and individual stockholders, the board of directors shall open an interest account with all individual stockholders, and annually, until the road shall be in operation, allow interest to each stockholder on the amount by him paid, and issue a certificate thereof to him, which shall be assignable; and when any holder has such certificates to the amount of fifty dollars, he shall be entitled to a share of stock: *Provided*, said certificates to the tax payer, and to the individual stockholders for interest, shall not bear interest: *And, provided further*, that interest shall be charged against the individual stockholder who fails to pay the calls upon his subscription.

Bonds negotiable and transferable.

Approved February 17, 1851.

1851.

CHAPTER 269.

AN ACT to incorporate Hebron Lodge, No. 19, Independent Order of Odd Fellows.

Members in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jesse Fox, Jesse Bird, R. J. Browne, Chas. F. Bosley, and James C. Lyon, and their associates, members of Hebron lodge, No. 19, independent order of odd fellows, in Springfield, be and they are hereby created a body politic and corporate, by the name and style of Hebron lodge, No. 19, independent order of odd fellows, with perpetual succession; and, by that name and style, shall be capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, to answer and defend, in all courts and elsewhere, as natural persons; and may ordain and put in execution such laws, rules, and regulations for its government, and the management of its affairs, and may change and renew the same, as they may deem proper: *Provided*, they be not contrary to the laws and constitution of this state or of the United States.

May hold real
estate.

§ 2. The said corporation shall have power to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, or to re-invest or dispose of the proceeds; and to create a fund, in the same manner, for the benefit of widows and orphans of members of the corporation, that they may decide sufficient to yield an annual income not exceeding three thousand dollars; and to make and change the laws and rules for its management and distribution.

May establish
a school & library.

§ 3. The said corporation shall have power to establish a school and a library, or either, and to acquire and hold, for that purpose, a fund, in the manner named in section 2d, for the support of the same, or either, sufficient to yield an annual income not exceeding five thousand dollars; and to appoint suitable teachers, and stewards, and other necessary officers, and to remove the same at pleasure; and may ordain, execute, and change all laws, rules, and regulations which it may deem necessary and proper, so that they be not contrary to the constitution and laws of this state or of the United States.

§ 4. In the event of a dissolution of this corporation, its effects and property shall become the property of the grand lodge of Kentucky, independent order of odd fellows.

Approved February 17, 1851.

CHAPTER 270.

1851.

AN ACT granting the town of Salvisa a Police Judge and Town Marshal.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act incorporating the town of Salvisa, in the county of Mercer, be and the same is hereby so amended as to authorize the citizens of said town to elect a police judge and town marshal, at the same time and place, and in the same manner as the trustees of said town are elected; the result of said election shall, within sixty days, be certified by the clerk of said election, so far as the said police judge is concerned, to the governor of the state, whose duty it shall be to issue a commission for the person elected to said office by the highest number of the duly qualified voters of said town; and said police judge shall be a judicial officer, to be styled the police judge of the town of Salvisa, and shall have jurisdiction, within the limits of said town, in all cases, civil and criminal, in which justices of the peace have jurisdiction, except in criminal cases as a court of inquiry, in which he shall have the jurisdiction now given by law to two justices of the peace, with power, in that particular, to the extent of the county aforesaid, and shall proceed in like manner as said two justices are required to proceed in criminal cases. Said police judge shall, before he enters upon the discharge of his duties, take an oath, before some justice of the peace for Mercer county, to discharge the duties of his office faithfully and impartially, to the best of his ability, without favor or affection, together with such other oaths as are required of other public officers by the laws and the constitution. He shall have jurisdiction of all offenses arising under the by-laws of said town, and shall have power to enter judgment, and award execution accordingly; and shall have, in all other respects, the same powers and jurisdiction, and be subject to the same duties and requirements contained in sections 9 and 10 of an act to incorporate the town of Elizabethtown, approved February 2d, 1850.

Police judge
and marshal
may be elected.

§ 2. It shall be the duty of the town marshal to attend the sittings of the courts to be held by the police judge, to serve all process and precepts, to collect all executions to him directed from the police judge, and make due returns thereof; in doing which, he may go to any part of the county of Mercer, in all criminal cases; he shall take the same oath required of the police judge, to be administered by the said judge of said town; and shall give bond, with good and sufficient security, to be approved of by the board of trustees for said town, payable to said trustees, in such penalty as the board may require, conditional for a faithful discharge of the duties of the office.

Duty of marshal

Approved February 17, 1851.

1851.

CHAPTER 271.

AN ACT concerning the Treasurer of Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act passed at the present session concerning the treasurer of Graves county be so amended as to authorize sheriffs, clerks, constables, and others, to charge and collect the same fees for services performed by them, in suits between said treasurer and others, as they are by law entitled to for similar services, excepting when said treasurer shall be unsuccessful, who shall in no case whatever be chargeable with any costs.

Approved February 17, 1851.

CHAPTER 272.

AN ACT to incorporate the Fredonia Cumberland Presbyterian Church, in Caldwell county.

Members incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Housan Parr, Alexander N. Maxwell, John J. Hilliard, James Armstrong, and Jacob B. Cridder, be and they are hereby created a body corporate, by the name and style of the Trustees of the Fredonia Cumberland Presbyterian Church, in Caldwell county.

May hold land, &c.

§ 2. The said trustees are hereby invested with power to hold the tract of land upon which said church is now situate, in or near the town of Fredonia, in Caldwell county, in trust for the benefit of said church, and, if the same has not been conveyed to them, to receive said title by deed; and they are hereby authorized to erect, upon said lot or parcel of land, a house for religious worship, to lay out a grave yard, to erect a pound for horses, for the use and benefit of said church and congregation, as a place for the public worship of God forever, and be under the control of said board, and their successors in office, for the purposes aforesaid.

May erect a parsonage.

§ 3. The said board of trustees, and their successors, are hereby authorized and empowered to hold, by gift, grant, or control, any amount of real or personal estate in said county, not exceeding in value the sum of five thousand dollars, for the purpose of appropriating the same as a parsonage for such minister of the gospel as may officiate stately for said congregation, from time to time, and to hold the title to the same, in trust, as the property of said church and congregation.

Further powers.

§ 4. The said board of trustees may have perpetual succession. A majority may fill any vacancy that may occur in said board. Said trustees may sue and be sued in all the courts of this state, in all cases whereby it may be necessary to enforce any contract made by them respecting said property, in the erection of buildings, and improve-

ments upon the same, or for the preservation of the same from trespass; and may do any and every lawful act for the purpose of preserving and keeping said property for the uses specified in the foregoing sections.

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§ 5. A majority of the members of the board of trustees may constitute a quorum to transact business.

Approved February 17, 1851.

CHAPTER 273.

AN ACT to incorporate Bullitt Royal Arch Chapter, No. 44.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present members and officers of Bullitt Royal Arch Chapter, No. 44, and their successors, be and they are hereby created a body politic and corporate, by the name and style of Bullitt Royal Arch Chapter, No. 44; and, by that name, shall have perpetual succession, and be capable to receive and hold, by gift, grant, purchase, or devise, any description of real estate, not to exceed in amount, at any one time, the sum of ten thousand dollars, and, also, such personal estate as may be requisite for the use and benefit of said corporation, and to sell, exchange, and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this state; and may have and use a common seal, and the same to alter and renew at pleasure.

Members incorporated.

§ 2. That the present officers of said chapter are hereby appointed trustees of the same, who shall hold their offices until the 24th day of June, 1851, and until their successors are duly elected; and thereafter the officers semi-annually elected shall constitute said board of trustees; and service of process upon any such trustees shall be held sufficient notice upon said corporation.

Present officers appointed trustees.

§ 3. All real and personal property now belonging to said chapter shall as fully and completely vest in the trustees of the same as if acquired after the passage of this act; and the legislature hereby reserves the right to repeal or modify this act at pleasure.

Approved February 17, 1851.

CHAPTER 274.

AN ACT to incorporate Germantown Lodge, No. 207, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of the Germantown lodge, No. 207, of free and accepted masons, of Germantown, Mason county, be and they are hereby created a bo-

Members incorporated.

1851.

dy politic and corporate, by the name and style of Germantown lodge, No. 207, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate shall at no time exceed ten thousand dollars.

Master and
Wardens to
manage its con-
cerns.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the masters and wardens of said lodge, for the time being, and their successors in office, trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to the real or personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

§ 3. That the general assembly shall have power to repeal or amend this charter.

Approved February 17, 1851.

CHAPTER 275.

AN ACT for the benefit of the widow and heirs at law of Samuel Scott, deceased.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Helen M. Scott, widow of and guardian to the infant heirs at law of Samuel Scott, deceased, to file a petition before the judge of the Woodford circuit court, making said infants defendants, alledging, under oath, that the said Samuel died seized of a tract of land in said county, which was improved, and that about three hundred acres of the land were allotted to the said children, and the remainder was, with the mansion house, allotted to the said Helen in dower; and that since that time the mansion house has been consumed by fire, and its re-construction, upon equitable principles, would redound to the benefit of said infants.

§ 2. That said judge shall appoint an attorney to defend for said infants, and hear and determine said petition, upon such proof as may be offered to or required by him; and if, on the hearing, he shall be of opinion that the re-construction of said mansion house would redound to the benefit of said infants, he shall determine what portion, if any, the widow, taking into consideration the value of her dower, should contribute, and what portion the children should contribute, and order the guardian of said children to pay and appropriate their portion out of the profits of their estate, over and above a sum required for their support, to

the erection of said mansion house: *Provided*, that the sum required of the infants shall be deemed, by the judge, proper and consistent with their estate and condition: *Provided further*, that before the said judge shall direct the appropriation of the portion of said infants, he shall require of the widow bond, with such security and penalty as he may deem sufficient, conditioned for the faithful application of whatever sum said judge may consider she should appropriate to the erection of said mansion house; and said judge shall also take similar bond from the guardian of said children, conditioned for the faithful application of the portion of the infants in the construction of said house.

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Approved February 17, 1851.

CHAPTER 276.

AN ACT to amend the charter of the Cave Hill Cemetery.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act incorporating the Cave Hill cemetery, near the city of Louisville, be and it is hereby so amended as that it shall be the duty of the president and managers thereof, when making their annual report to the mayor and council of the said city, to present a list of the lot holders in said cemetery; and no person shall be elected a president or manager of said cemetery, who does not own three hundred feet of ground, or upwards, in said cemetery.

§ 2. That the charter be further amended so as that hereafter the lot holders in said cemetery shall have the right to elect four, and the city of Louisville five managers of said cemetery.

Approved February 17, 1851.

CHAPTER 277.

AN ACT to amend an act establishing the Covington Commercial College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of the act establishing the Covington commercial college, approved February 17, 1849, be so amended as to read thus: "that all questions before the corporation shall be decided by a majority of the members present; and three members shall constitute a quorum to transact all business, except the election of officers, which shall require five members."

Approved February 17, 1851.

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CHAPTER 278.

AN ACT for the benefit of John G. Parks, Clerk of the Nicholas County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John G. Parks, clerk of the Nicholas county court, shall have the further time of two years, from and after the passage of this act, to collect, by distress or otherwise, all such of his fee bills as now remain uncollected, any law to the contrary notwithstanding.

Approved February 17, 1851.

CHAPTER 280.

AN ACT to incorporate Phoenix Lodge, No. 28, of the Independent Order of Odd Fellows.

Members incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Zepheniah Williams, John W. Pruett, William M. Todd, Benjamin Luckett, Charles S. Waller, and their associates, members of Phoenix lodge, No. 28, independent order of odd fellows, in Frankfort, be and they are hereby created a body politic and corporate, by the name and style of Phoenix lodge, No. 28, independent order of odd fellows; and they and their associates and successors shall so continue, and have perpetual succession; and, by that name, shall be capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, to answer and defend in all courts and elsewhere, as natural persons, and may ordain and put in execution such laws, rules, and regulations for its government, and the management of its affairs, and may change and renew the same, as they may deem proper: *Provided,* they be not contrary to the constitution and laws of this state or of the United States.

May hold and dispose of their property.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding ten thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest or dispose of the proceeds; and to create a fund, in the same manner, for the benefit of the widows and orphans of members of the corporation that may decease, sufficient to yield an annual income not exceeding one thousand dollars; and to make and change laws and rules for its management and distribution.

May establish a school or library.

§ 3. The said corporation shall have power to establish a school and a library, or either, and to acquire and hold, for that purpose, a fund, in the manner named in section second, for the support of the same, or either, sufficient to yield an annual income not exceeding three thousand dollars; and to appoint suitable teachers, and stewards, and other necessary officers, and to remove the same at pleas-

ure; and may ordain, execute, and change all laws, rules, and regulations which it may deem necessary and proper, so that they be not contrary to the constitution and laws of this state or of the United States.

§ 4. In the event of a dissolution of this corporation, its effects and property shall become the property of the grand lodge of Kentucky, independent order of odd fellows.

Approved February 17, 1851.

CHAPTER 283.

AN ACT to amend the charter of the Bowlinggreen and Tennessee Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proviso to the eighteenth section of an act, entitled, an act to charter the Bowlinggreen and Tennessee railroad company, approved March 5, 1850, be and the same is hereby repealed.

Approved February 17, 1851.

CHAPTER 284.

AN ACT to incorporate Salt River Lodge, No. 180, in the town of Mount Washington, in Bullitt county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Salt river lodge, No. 180, of the masonic fraternity, of the town of Mount Washington, in Bullitt county, be and they are hereby created a body politic and corporate, by the name and style of Salt river lodge, No. 180, with perpetual succession; and, by that name and style, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of the buildings, shall at no time exceed twelve thousand dollars.

Members incorporated.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Edward Hessey, Henry J. Barns, Smith M. Hobbs, and George E. Rogers, and their successors in office, as trustees thereof, who, or a majority of them, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

Trustees, their powers & duties

§ 3. That the trustees named in the 2d section shall hold their office until the 24th day of June, 1852, when the mem-

Trustees to be elected.

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bers of said lodge shall elect five trustees, and continue to hold their elections, for the election of trustees, on the 24th day of June in each succeeding year: *Provided*, that said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws and regulations, not inconsistent with the constitution and laws of the state, as may be necessary to the safe-keeping of the property and other interest of the lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. The general assembly hereby reserves the right to repeal or change this act at pleasure.

Approved February 17, 1851.

CHAPTER 285.

AN ACT to incorporate Warren Lodge, No. 53, of Free and Accepted Masons, and Daviess Chapter, No. 29.

Members in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Warren lodge, No. 53, of free and accepted masons, of the town of Harrodsburg, be and they are hereby created a body politic and corporate, by the name and style of Warren lodge, No. 53, of free and accepted masons, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Trustees, their
powers.

§ 2. That the management of the concerns of said corporation shall be intrusted and confided to Samuel Wingfield, James T. Howland, James Messick, John L. Smedley, Moreau B. Pulliam, and John W. Cardwell, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

May elect off-
cers.

§ 3. The trustees aforesaid shall have power to elect the officers of said lodge, who shall hold their offices for one year, and until their successors are elected; they shall fill all vacancies in their own body, pass such rules, regulations, and by-laws, not inconsistent with the laws of this state, and the constitution of the United States, as may be necessary to the management and safe-keeping of the

property and other interests of the lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. That the members of Daviess chapter, No. 29, of royal arch masons, in said town, be and the same are hereby incorporated, under the name and style of "Daviess chapter, No. 29, of royal arch masons," with the same rights, powers, and privileges, and under the same restrictions and limitations as are granted Warren lodge, No. 53, of free and accepted masons, in the foregoing sections. The concerns of said chapter shall be under the control and direction of the following board of trustees: Moreau B. Puliam, Muscoe T. Garnett, Philip B. Thompson, Samuel Wingfield, Isaac N. Thompson, and John W. Cardwell, for the time being, and their successors in office, as trustees thereof.

§ 5. The general assembly hereby reserves the right to repeal or change this act at pleasure.

Approved February 17, 1851.

Members of
Daviess Chapter
incorporated.

CHAPTER 286.

AN ACT for the benefit of the children and heirs of Michael Duvane and Penelope Thornton.

Whereas, it is represented to the general assembly of the commonwealth of Kentucky, that, in the year 1850, Patrick Duvane, a native of Ireland and naturalized citizen of the United States of America, departed this life without wife or child, having previously made his will, devising his estate, consisting of a small tract of land in Nelson county, Ky., one slave, and some personal property, as follows: "To the Rev. John B. Huchens, one-third of what I now or may hereafter possess"—"I also leave and bequeath, at my death, one half of the remainder of my property to Michael Duvane, and the half of the same to my sister, if they be then living;" which will was in due time recorded in the Nelson county court clerk's office, and John B. Huchens, the executor named in said will, qualified thereunder, and executed bond with good security, in the penalty of \$2000; and that, since the death of Patrick Duvane, it has been ascertained that his said brother and sister, who were natives and residents of Ireland, had departed this life before the testator, leaving children and heirs; and, by the law of this commonwealth, they cannot inherit the bequests to their ancestors, but the same will escheat to the commonwealth; and they are anxious that the commonwealth of Kentucky shall relinquish her claim to the estate of the said testator, and that the same be vested in John B. Huchens, as trustee, for their benefit,

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by him to be sold ; and, after the payment of all legal liabilities, the residue be distributed, one-third to John B. Huchens, one-third to the children and heirs of Michael Duvane, and one-third to the children and heirs of Penelope Thornton, the sister of testator. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title, interest, claim, and demand which the commonwealth of Kentucky has acquired, or may hereafter acquire, to the land, slave, and personal estate of Patrick Duvane, deceased, willed to his brother and sister, be and the same is hereby released and surrendered to Jno. B. Huchens, in trust, for the benefit of the children and heirs of the said Michael Duvane and Penelope Thornton ; the same by him to be sold, on such credit as he may deem most advisable, he taking bonds with approved security, payable to himself, as trustee for the parties aforesaid ; and, when the purchase money is paid, to alien and convey the same to the purchasers ; and it shall be the duty of said trustee, after the payment of all the debts, liabilities, funeral expenses, and costs of administration of said Patrick Duvane, deceased, to pay one-third of the residue to the children or heirs of the said Michael Duvane, deceased, and one-third to the children or heirs of the said Penelope Thornton : *Provided, however,* that before the said John B. Huchens proceed to sell said land and slave, he shall execute bond with approved security, payable to the commonwealth of Kentucky, in the penalty of two hundred dollars, in the Nelson circuit court, for the faithful discharge of his duties, as trustee aforesaid, and the payment of the money to those entitled thereto ; and for any breach of said bond, suit may be brought thereon for the benefit of such as are injured by said breach.

Approved February 17, 1851.

CHAPTER 287.

AN ACT to incorporate the Lexington Benevolent Female Society.

Name and style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Mrs. John Norton, Mrs. John H. Brown, Mrs. James O. Harrison, Mrs. Wyett R. Higgins, and Mrs. Isaac W. Scott, and their successors, as such, be and they are hereby incorporated, under the name and style of the trustees of the " Lexington female benevolent society ;" and, by that name, shall have perpetual succession, and a common seal, or may use their individual seals or scrolls, and may sue or be sued, plead and be impleaded, in any court of law or equity in this commonwealth ; said trustees, or their successors, to be chosen annually, at the March meeting of the said benevolent society.

Corporate powers.

§ 2. The said trustees, and their successors, are hereby invested with full power to receive, by devise, or in any

other manner, real, personal, or mixed property, to the amount of twenty thousand dollars; and to receive, hold, and apply any bequests, legacies, or donations which may be made to them for the purposes indicated in their corporate name above; and they shall use and apply said real, personal, or mixed property, according to the directions of the devise, bequest, or donation, and the by-laws and the regulations of the said corporation.

§ 3. Said trustees shall have, and be governed by any by-laws or regulations, not inconsistent with this act or the laws of this state, which may be prescribed and adopted by them.

§ 4. The legislature may, at any time, modify or repeal this act.

May enact by laws, &c.

Approved February 17, 1851.

CHAPTER 288.

AN ACT to condemn land, in Fleming county, for a burial ground.

Whereas, it is represented that, in 1812, William Penland dedicated, for the purpose of a neighboring burial ground, a piece of land, and that the same has been so used, to-wit: a short time since; and that recently Landon Hurst has become the owner of the original farm, including within the boundaries the said grave yard, which had never been conveyed away by the original owner; and that the said Hurst now claims the ownership of the same, and is converting it to uses contrary to the intentions of the said Penland, and the entire neighborhood; and, whereas, it is desired by the neighborhood that the same shall be used for the purpose of a burial ground. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the county court of Fleming, at any time within two years, upon the application of any person, to cause a summons to issue, directed to the owner of said land, requiring him to appear and show cause why a writ of *ad quod damnum* shall not issue to condemn said ground for said purpose; and, if the notice shall appear to have been served ten days before the first day of the court, to cause said writ to issue, directing the sheriff to summon a lawful jury to assess, on the premises, on a day to be named in the writ, the value of the land, not exceeding one acre, to be named in the writ, all the damages the owner or proprietor of the land shall sustain by reason of the condemnation of said land for a public burial ground. If the said inquest cannot be completed in one day, the officer may adjourn from day to day, or may dismiss the jury and return the fact to the court, who shall issue a new writ as before, if any person shall desire it, and the same proceedings may be had; and

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when the said inquest shall be completed, the jurors shall sign the same, and seal and deliver their verdict to the sheriff, who shall indorse on the writ the finding, and return the same to the county court, who may proceed to ratify the finding of the jury. The court shall not cause said writ to issue until some one or more responsible men shall enter into bond to the claimant, to be approved of by the court, that they will abide by the finding of the jury and the orders in the case. After the court shall approve the finding of the jury, and the damages assessed and paid to the claimant of the land, the court shall make an order directing, by a certain day, that the said claimant shall convey to the judges of the county court of Fleming, and their successors in office, for the uses of a public burial ground, the said land so condemned, and in default, by the next term after said order, they shall appoint a commissioner to do so, at the costs of the original claimant.

Approved February 17, 1851.

CHAPTER 289.

AN ACT to incorporate the Falls City Insurance Company, at Louisville.

Name and style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas G. Rowland, Edwin H. Summers, Daniel Brannin, I. E. Haynes, Wade F. Lane, John Cochran, jr., James C. Davis, George Killick, J. J. Clarke, Thomas S. Hayden, Thomas Rodman, H. Bridges, Fred. A. Kaye, Henry Campbell, Taylor Oliver, John T. O'Bannon, Wm. G. Brent, Owen W. Thomas, W. E. Snoddy, T. L. Bransford, Henry B. Shields, H. Wilkes, Isaac N. Lock, or such of them, with such others as may become subscribers to the stock of the association, and their successors, be and they are hereby declared to be a body politic and corporate, by the frame and style of the "Falls City insurance company;" and, by that name and style, shall have succession until the first day of May, 1870, and be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, or elsewhere, with power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real and personal estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed or pledged to said company for the security, or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment or decree of any court of law or equity, or any order or decree of any such court in their favor; and to make and use a common seal, and the same to alter, renew, or break at their pleasure; and gener-

ally to do and perform all things relating to the objects and interests of this institution, which now is or shall be lawful for any individual or body politic or corporate to do.

§ 2. That the capital stock of said company shall be three hundred thousand dollars; and the stock subscriptions shall be subject to the call of the board of directors, at such time, and in such manner as the board shall direct, (not less than five dollars on each share the first call;) and the same shall be paid and secured by indorsed notes, payment on demand, or as the board may direct, or secured by property, real or personal, or in such other manner and time as shall be satisfactory to the board, and amply good. The said securities shall be renewed whenever the directory may think proper; and any stockholder neglecting or refusing to renew his security, when required, shall forfeit all his interest in said company; and shall be held liable for his proportion of any loss which may have accrued previous to such neglect or refusal.

§ 3. That should any forfeiture occur, it may be remitted by a majority of the whole board, upon the payment of all arrearages of principal and interest then due upon the instalments which have, up to the time of such remission, been called for by the board, and also by the payment of the due proportion of losses which may have attached to the interest of such defaulting stockholder up to the time, and upon compliance with such other terms as the directory may see proper and deem right to impose.

§ 4. The stock of said company shall be divided into shares of fifty dollars each; and so soon as four hundred shares are subscribed for and paid in, or secured to be paid, to the satisfaction of the directory, the company shall be competent to transact all kinds of business for which it was created.

§ 5. That books for the subscription of stock shall be opened under the supervision and in charge of the persons named in the first section of this act, or such of them as shall assume the responsibility thereof, at such time and place, or such times and places as they may think fit; and they shall deliver the books and money over to the first board of directors as soon as they shall be elected; and the said persons, or a majority of them, may and shall superintend the election of said board; and the said board, or their successors, may, at any time after the subscription of the four hundred shares aforesaid, re-open said books for additional subscription, should the advancement of the company, in their judgment, require it; and should the stock of said company not be subscribed, and the company organized at the first attempt or attempts thereat, then the said books may be re-opened at any other time or place, or times and places, which any three of the said persons may require.

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Capital stock.

Proceedings in
case of forfeitureStock how di-
vided.Books to be
opened.

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Transfer of
stock.

§ 6. Transfers of stock may be made under such rules and regulations, and upon such terms and conditions as the board may authorize by the by-laws of the company ; until such mode be prescribed by the board, may be done in person or by power of attorney, properly authenticated according to law ; but no transfer of stock shall be deemed valid or complete, so long as the person transferring the same shall be indebted to the company, or liable for losses, until the amount of such indebtedness and liabilities is paid or secured, to the satisfaction of the president and directors, and all assigns of stock take, hold the same, with all the liabilities which have accrued or may be attached to the said stock, for or on account of the original owner or owners.

§ 7. That every stockholder may be entitled to a discount of not exceeding ten per cent. on the rate of premiums paid by other persons who are not stockholders in said company: *Provided*, the president and directors shall deem it right to allow the same ; but not to be done until such by-law be made and approved by the stockholders and said board of directory, as aforesaid.

Who to man-
age the affairs.

§ 8. That the affairs of this company shall be managed by a president and six directors, to be elected on notice given, of ten days at least, in an authorized newspaper published in the city of Louisville ; and each stockholder shall be entitled to one vote, in said elections, for each share of stock he may own. The president and directors, for the purpose of organizing the company, shall be elected at such time and place as the persons named in the first section shall appoint, and annually thereafter ; but after the first election, the president shall be chosen by a majority of the directors ; and in case of death, resignation, or disqualification of a director otherwise, the vacancy shall be filled by the existing directory ; and if the president have been a director elect, his place shall be filled by the other directors. The board may direct that business may be done by the president and any number not less than three of the directors ; and in the absence of the president, any four of the directors shall be competent to do business, one of whom shall be selected and act as president *pro tem*.

May insure ves-
sels, &c.

§ 9. That the corporation herein and hereby created shall have full power and lawful authority to insure all kinds of property against loss or damage by fire ; and said company may make all kinds of insurance on vessels, crafts, or boats of any and every description, on any of the rivers, lakes, bayous, canals, and all waters in the United States, and like insurance on every description of property transported or carried on land or water in the United States, and at such rates of premium, or interest, or charge as may be agreed upon by the parties ; and generally to do and perform all other necessary matters and things connected with, and

proper to promote these objects of said company relative to fire and marine insurance.

§ 10. That this company shall not issue notes to pass as bills of credit; nor engage in the business of banking, other than in the purchase and sale of notes and bills of exchange, with the like rate of interest allowed to the chartered banks of this state, and the like restrictions; and, the better to enable said company, at all times, to meet their liabilities promptly, the said company may and are hereby authorized to loan out their money on the terms allowed to the banks of the state, and to pledge their capital stock, paid in and secured to be paid, to individuals, corporations, or companies, on real or personal security, for such periods of time, and under such restrictions, regulations, and limitations as the directors may, from time to time, agree on, and the same to renew at pleasure; and to assure the more speedy and safe mode of payments of any and all losses, and the better to promote the safety of the business and capital of the company, said company may, of the stock funds of the same, make, receive, purchase, take and hold bills of exchange, and notes for money loaned, with real or personal security, payable at such time, place, and manner as the said company may choose and direct, and the same to dispose of and renew at pleasure; and the better to secure all such transactions, may take and hold pledges, mortgages, and other securities, and the same to renew at pleasure, with authority to release and re-convey the same securities by proper deeds and acquittances.

§ 11. The president and directors shall have power, and it is hereby made their duty to make and declare such dividends resulting from the profits of their business, as shall not impair the capital stock of the company, which shall be declared annually, and may be ordered semi-annually by the board: *Provided*, such dividend shall not be paid out to the stockholder, but shall pass to his credit for all unpaid balances due on such stock of the various members of the company, until the sum of one hundred thousand dollars shall have been paid in; after which the profits of the business may be divided among the stockholders, in proportion to their respective interests, at such time as the directory shall appoint.

§ 12. That in case of loss, where the assured shall claim that he hath become entitled to the amount of the risk undertaken by the company, the claim or claims of the assured shall be determined by the directory, subject to the terms and conditions of such risk, as set out in the policy, and paid according to the general laws relating to insurance, as the same exists and are recognized in Kentucky; and in case of disagreement of the company and assured as to the amount of any loss, each party shall choose and select one good and competent valuer and arbiter to de-

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Not to issue
notes to pass as
bills of credit.

May declare
dividends.

Proceedings
in case of loss.

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termine the loss; and in case of their disagreement, these two to choose an umpire or third person to act with them; and their decision and opinion shall be final, unless good and lawful cause be shown to the contrary; or the parties, at any such disagreement of amount of loss, may agree on any other terms, and settle their losses; and all losses arising under the policies of this company, on being legally ascertained, and notice given, shall be paid in thirty days from the notice, or from the time of adjustment of the loss, as otherwise herein provided for.

No person individually responsible for losses.

§ 13. That no person shall be answerable, in his person or individual property, for any contract or agreement of said company, or for any losses or failures of the capital stock of the company; but the whole of said capital stock of said company, together with all property, rights, and credits thereto belonging, and nothing more, shall at all times be answerable for all lawful demands against said company.

Election, when may be held.

§ 14. That should it happen, from any cause whatever, that the annual election of the directors should not take place at the times herein before directed, the company shall not, for that reason, be dissolved, but such election may be held at such other time and place within the city of Louisville as the directors may appoint, upon due notice of ten days, by printed advertisement, as aforesaid.

Policies of insurance, how subscribed.

§ 15. That the policies of insurance which shall be made or entered into by this company, shall be subscribed by the president, or president *pro tem.* in his absence, and attested by the secretary, or such other officer as may be appointed by the board for that purpose, in the absence of the secretary; and, being so signed and attested, shall be binding on said corporation, according to the terms of the contract, with or without their corporate seal.

May appoint officers.

§ 16. That the president and directors shall have the power to appoint a secretary, and such other assistant officers as may be deemed best for the good of the company, and allow and pay them competent and suitable salaries, from time to time, as they shall order and direct. They may and are authorized to order and establish such by-laws, ordinances, and regulations as shall appear to them necessary for the conducting the affairs of the company, not being contrary to or inconsistent with this act, the constitution and laws of this state or the United States.

Record of proceedings to be kept.

§ 17. They shall keep full, fair, and correct entries of all the transactions of the company, of what kind soever, which shall at all times be open to the inspection of the stockholders and persons interested.

Who eligible as director.

§ 18. That no stockholder shall be eligible to the office of director, unless he shall be the owner of at least twenty shares of stock in said company; and no person, who is a president or director of any other insurance company,

shall be elected to such office in this, whilst he continues to exercise such office in the other company, unless the directory shall otherwise determine by special by-law.

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§ 19. The legislature reserves the right to repeal or amend this act at any time, and at pleasure.

Approved February 20, 1851.

CHAPTER 290.

AN ACT to amend an act, entitled, an act to incorporate the Lexington Fire, Life, and Marine Insurance Company, approved March 1, 1836.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate the Lexington fire, life, and marine insurance company, approved March 1, 1836, be so amended as to authorize said corporation to buy, sell, and otherwise deal in foreign and domestic bills of exchange.

Approved February 15, 1851.

CHAPTER 291.

AN ACT for the benefit of the Justices of the Hickman County Court.

Whereas, it is represented to the general assembly, that four quarter sections of land west of the Tennessee river were, in the year 1834, pursuant to an act of the general assembly, entered by the justices of the Hickman county court, and that the certificates of entry therefor were, by accident, lost, so that no patent or patents were ever issued upon said entries. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office be and he is hereby directed to issue a patent or patents to the justices of the Hickman county court for the following described lands, to-wit: the northeast, northwest, southeast, and southwest quarters of section eleven, township four, and range one west.

Approved February 15, 1851.

CHAPTER 292.

AN ACT providing for the election of certain officers in the town of Paducah.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the town of Paducah be so amended as to make it lawful for the persons entitled to vote for a chairman and board of trustees of said town, to elect a clerk for said board, and a police judge, town marshal, treasurer, assessor, auctioneer, market master, su-

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pervisor, and sexton for said town, at the same time and place, for the same term, and to possess the same qualifications for office as are required for a trustee of said town.

§ 2. That the chairman and board of trustees aforesaid shall provide for a new election in case of a tie between candidates for any of the aforesaid offices.

§ 3. That any person elected, under the foregoing provisions of this act, to any of the aforesaid offices, before entering upon the duties thereof, shall take an oath before the chairman of said board of trustees, or any justice of the peace for McCracken county, for the faithful performance of the duties thereof.

§ 4. That all laws authorizing the chairman and board of trustees of said town to appoint the officers hereinbefore set forth are hereby repealed.

Approved February 15, 1851.

CHAPTER 293.

AN ACT for the benefit of the trustees of Waidsboro'.

Whereas, doubts are entertained as to the strict legality of the election of Richard Nückolls, William Brown, W. W. Williams, James Williams, and J. L. Irvan, as trustees in and for the town of Waidsboro', held on the first Monday in August, 1850. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the election of said trustees, and other officers of said town, held as before recited, is hereby declared to be legal and valid as if it had been regularly held, and that the acts and doings of said trustees, since said election, shall be binding and valid, so far as said acts and doings were in accordance with the laws in force at the time of their said action.

§ 2. That hereafter the inhabitants of the town of Waidsboro' shall elect the trustees and other officers of said town on the first Monday in August, in each year, whether the number of resident lot holders be few or many, so that they do not fall below five in number; and should the inhabitants of said town fail to elect trustees and other officers, on the first Monday in August, in any year, then it shall be the duty of the county court of Calloway county to appoint such trustees and other officers for said town, at its next succeeding term.

Approved February 15, 1851.

CHAPTER 294.

1851.

AN ACT for the benefit of certain School Districts in the counties of Hart, Casey, Fulton, Bath, Owen, Clay, Johnson, Graves, Washington, and Henry.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the superintendent of public instruction be and he is hereby directed to receive from the trustees of school district No. 33, in Casey county, a report of the number of children taught in said school district in the year 1850; and when said report is received by him, he shall place said school district upon the same footing as other districts reported to him in the time now prescribed by law.

No. 33 in Casey.

§ 2. That the superintendent of public instruction be and he is hereby directed to draw his warrant on the second auditor in favor of the school commissioners of Fulton county, for the sum of thirty-two dollars and forty cents, the balance due district No. 20, of common schools, in Fulton county, for a six months' school taught therein in the year 1850; said sum of money to be paid over to the trustees of said district for the use of said school.

No. 20 in Fulton

§ 3. That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught in district No. 11, in Bath county, for a period of six months, in the year 1850, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Bath county, for the sum of money to which said school would have been entitled had the commissioners not omitted to report; said sum of money to be paid over to the trustees of school district No. 11, in said county, for the use of said school.

No. 11 in Bath.

§ 4. That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught in district No. 19, and in district No. 26, in the county of Owen, the former in the year 1849, the latter in the year 1850, each for the period of three months, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Owen county, for the sum of money to which said schools would have been entitled had the trustees thereof reported in time; said sum of money to be paid over, according to the proportion of each, to the trustees of school districts Nos. 19 and 26, in Owen county, for the use of said schools.

Nos 19 & 26 in Owen.

§ 5. That the superintendent of public instruction be and he is hereby authorized and directed to issue his warrant on the second auditor, in favor of the school commissioners of Hart county, for the amount of money due them under the laws on the subject of common schools, according to their report, properly made out, for the year 1849, which report was not received in time for that year.

Districts in Hart

1851.

No. 6 in Clay.

§ 6. That either one of the school commissioners for the county of Clay is hereby authorized to report district No. 6, in Clay county, on or before the 1st day of April, 1851; and the superintendent of public instruction is authorized and directed to receive said report, and draw his draft on the second auditor for the amount of money due said district, as though it had been reported in due time by the commissioners of common schools in Clay county, as a three months' school.

No. 13 in Johnson.

§ 7. That the superintendent of public instruction be and he is hereby directed to issue his warrant on the second auditor, in favor of the common school commissioners of Johnson county, for the sum of twenty-four dollars and sixty cents, the amount district No. 13, in Johnson county, would be entitled to had the trustees of said district reported in time for the year 1849; the money to be paid over to the trustees of said district for the use of said school.

No. 36 in Graves

§ 8. That the superintendent of public instruction be and he is hereby directed to issue his draft upon the second auditor, in favor of the commissioners of common schools for Graves county, for the sum of eight dollars and five cents, the amount school district No. 36, in said county, is entitled to for the year 1848; also, to issue his draft for the further sum of sixteen dollars and thirty-three cents, the amount said district is entitled to for the year 1849; said sums of money to be paid over to the trustees of school district No. 36, in Graves county, for the use of said school.

No. 28 in Washington.

§ 9. That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught in common school district No. 28, in Washington county, in the year 1850, for a period of six months, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Washington county, for the sum of money to which said school would have been entitled had the trustees thereof reported in time; said sum of money to be paid over to the trustees of school district No. 28, in Washington county, for the use and benefit of said school.

Nos. 30 & 31 in Henry.

§ 10. That the superintendent of public instruction be instructed to receive and accredit the reports of the trustees of Hendrensville school district, No. 30, and Sligo school district, No. 31, in Henry county, for any length of time they may have severally taught a public school in their respective districts, during the year 1850, and up to the passage of this act; and that said superintendent, upon the reception of such report or reports, shall issue his warrant upon the second auditor, in favor of the trustees of said districts, respectively, for such sums as the length of said schools, so reported, would have entitled them to, if taught and reported in time and manner provided by the common school law.

CHAPTER 295.

1851.

AN ACT to incorporate Mayfield Lodge, No. 146, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Mayfield lodge, No. 146, of free and accepted masons, be and the same are hereby declared a body politic and corporate, by the name and style of Mayfield lodge No. 146, of free and accepted masons, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real estate as shall be necessary for the use and accommodation of said lodge; to receive all necessary conveyances, and to sell, convey, and dispose of all such real estate as they may now have, or hereafter acquire: *Provided*, the amount invested at any time shall not exceed ten thousand dollars.

Members to be incorporated.

§ 2. That the management of the concerns of said corporation shall be and the same is hereby confided to and vested in the control of the master and wardens of said lodge, and their successors in office, trustees thereof, who, or a majority of whom, shall have full power to make all contracts pertaining to said real estate, in every respect whatever, either in purchasing, building, renting, or in any other way; which actings of said trustees shall be binding and obligatory on said lodge, when made and executed pursuant to the rules, by-laws, and instructions of said lodge; and when a vacancy shall occur in said board of trustees, by any means whatever, said lodge shall proceed to fill such vacancy; and should any trustee remove out of the county of Graves, or cease to be a member of said lodge, he shall be considered as having vacated his office of trustee; and the said lodge may, for sufficient cause shown, of which cause sufficient previous notice shall be given him, remove from office any of said trustees.

Who to manage the concern.

§ 3. That said corporation shall have and enjoy all the privileges and immunities as, by law, are usually incident or necessary to corporations of like character; but the general assembly reserves the right to alter or repeal this act at pleasure.

Approved February 17, 1851.

CHAPTER 296.

AN ACT for the benefit of Charles P. Tate, late sheriff of Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles P. Tate, late sheriff of Casey county, have the further time of two years to collect the arrearages of taxes and fee bills in his hands due and uncollected, for the years 1847 and 1848, and that he be au-

1851. **thorized to levy and distrain for the same, as now provided by law.**

Approved February 17, 1851.

CHAPTER 297.

AN ACT for the benefit of James E. Stone, clerk of the Hancock circuit and county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of one year is allowed James E. Stone to list for collection and collect any fees due him, as clerk of the Hancock circuit or county court, in pursuance of existing laws; in doing which, however, he shall be subject to all penalties and fines now imposed by law upon clerks for issuing or collecting illegal fee bills.

Approved February 17, 1851.

CHAPTER 298.

AN ACT giving to the clerk of the McCracken circuit and county courts further time to collect his fee bills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Braxton Small, clerk of the McCracken circuit and county courts, to list with any sheriff or constable of said county, at any time within two years from the passage of this act, his fee bills for collection; and said sheriff or constable shall have power and authority to collect the same, by distress or otherwise, any law to the contrary notwithstanding.

Approved February 17, 1851.

CHAPTER 299.

AN ACT for the benefit of Harvey M. Brown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be and he is hereby directed to issue his warrant upon the treasurer, in favor of Harvey M. Brown, for twenty-six dollars, it being the amount expended by him in aiding in the conveyance of a lunatic from Paducah to the asylum at Lexington.

Approved February 17, 1851.

CHAPTER 300.

AN ACT for the benefit of James J. Hall.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Jas. J. Hall, of Ballard county, to sell three slaves, namely,

Lucy and her two sons, John and Dick, which were brought into this state in the year 1850, without incurring the penalties of an act, approved February 24, 1849, entitled, an act to amend an act, entitled, an act to amend the law to prohibit the importation of slaves into this state.

§ 2. That any person or persons, who shall purchase from said Hall any or all of the above mentioned slaves, shall be exempted from the penalties prescribed in the above recited act.

Approved February 17, 1851.

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CHAPTER 301.

AN ACT to authorize the trustees of the town of Cadiz to sell a part of Main or Washington street, in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Cadiz be hereby authorized to discontinue and sell, for the benefit of said town, that part of Main or Washington street, in said town, which lies southwest of the crossing of Hamilton street; and the deed of said trustees to the purchaser of said part of the street, so sold, shall pass their title therein.

Approved February 17, 1851.

CHAPTER 302.

AN ACT to incorporate Lexington Division, No. 21, Sons of Temperance.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all the present members, and all who may hereafter become members of Lexington division, No. 21, sons of temperance, be and they are hereby created a body politic and corporate, by the name and style of Lexington division, No. 21, sons of temperance; and, as such, shall have perpetual succession, and be capable, in their corporate capacity, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of law and equity; may have and use a common seal; shall be capable of receiving, acquiring, and holding, either by gift, purchase, devise, or otherwise, any estate, real or personal, necessary for the support of said division; may lease, mortgage, lend, sell, and convey the same; and shall have power to make, amend, alter, and enforce such by-laws, rules, and regulations for the government of said corporation, and for the management of its property, as may not be inconsistent with the laws and constitution of this commonwealth or of the United States.

Members incorporated.

§ 2. That the general assembly shall have power to alter, amend, or repeal this act at pleasure; but no such al-

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teration or repeal shall divest said corporation of its claim or right to any of its property or funds.

Approved February 17, 1851.

CHAPTER 303.

AN AOT to re-organize and regulate the office of Police Judge in the town of Hickman.

Police judge
to be elected.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the police judge for the town of Hickman, in Fulton county, shall hereafter be elected by the qualified voters residing within the corporate limits of said town.

When election
to be held.

§ 2. That the officers holding the election, on the second Monday in May, 1851, for the election of justices of the peace and a constable, for the district in which said town is included, shall open a poll for the election of a police judge for said town; and on that day, every fourth year thereafter, an election shall be held for said officer, under the same rules and regulations herein prescribed; and in the event a precinct for the election of justices of the peace and a constable shall not be located in said town, then the trustees of said town, or any two of them, shall give notice in some public place in said town, for at least ten days before said election, and on the second Monday in May, 1851, and on every fourth year thereafter, open a poll for the election of said police judge, two of said trustees, who shall have power to appoint a clerk, presiding as judges thereof, to all three of whom an oath shall first be administered by some justice of the peace for Fulton county, faithfully and impartially to discharge the duties hereby required of them.

Officer of elec-
tion may admin-
ister oaths.

§ 3. That any judge holding the election, as hereinbefore specified, shall have power and authority to administer an oath to any one offering to vote at said election; and for false swearing, or illegal voting, the offender shall be subject to the same penalties; and be proceeded against in the same manner as are prescribed by the penal laws of this commonwealth for like offenses.

Result of said
election to be
certified to the
clerk of Fulton
county court.

§ 4. That the officers holding said election shall make out and sign a certificate, showing the result, and hand the same to the clerk of the Fulton county court, who shall immediately record it in a book to be by him procured and kept for that purpose, and for which he shall receive such compensation as is now allowed by law for similar services, to be paid out of the corporate funds of said town.

Clerk to cer-
tify to governor.

§ 5. That the clerk of the said county court, so soon as he receives said certificate, shall forward, by mail, an attested copy thereof to the governor of this commonwealth,

who shall thereupon issue a commission to the person thus returned as elected, and forward it to him.

§ 6. That said police judge, when elected and commissioned, as aforesaid, shall be a conservator of the peace throughout said county; his jurisdiction, both civil and criminal, shall be the same as that which now is, or may hereafter be conferred by law on justices of the peace; he shall have power to sit as a court of inquiry in criminal cases, to grant injunctions, writs of *ne exeat* and *habeas corpus*: *Provided*, that no defendant in a civil suit shall be compelled to go out of his justices' district to attend trial before said judge, unless said defendant, in writing, signed by him, shall agree so to do.

§ 7. That removal by said judge without the corporate limits of said town shall vacate his said office; and when said office shall become vacant, by removal, death, or resignation, the trustees of said town shall proceed forthwith, as is prescribed in the second section of this act, to hold an election to fill the unexpired term of said office, provided said unexpired term is longer than six months; and if shorter than six months, then no election shall be held until the regular day thereof.

§ 8. That the fees of said police judge shall be the same as now are, or may hereafter be allowed by law to justices of the peace.

§ 9. That said police judge, so soon as he receives his commission, shall enter upon the duties of his office; and the present police judge of said town shall deliver over to him all the official books and papers belonging to said office; and said police judge, so elected, shall thereafter keep a faithful record of all his official acts, in the same manner as is now required by law of justices of the peace; and, for a failure so to do, shall be subject to the same penalties now imposed by law for like offenses on justices of the peace. Each successive police judge of said town shall deliver over, in like manner, to his successor the official books and papers belonging to his said office, and, for failure so to do, shall be subject to the penalties aforesaid.

§ 10. Every police judge for the town of Hickman, before he enters upon the duties of his office, shall take an oath before some justice of the peace for Fulton county, faithfully and impartially to discharge the duties of the office of police judge for the town of Hickman, during his continuance in office, according to law.

§ 11. That the officers holding the elections herein required shall, at the same times and place, and under the same rules and regulations, open a poll for the election of a town marshal for said town, and shall return a certificate of the result to the clerk of the Fulton county court, to be by him recorded, and he shall receive pay therefor in

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Powers & duties
of police judge.

How his office
may be vacated
and filled.

His fees.

When to enter
on his duties.

To take an oath.

Town marshal
to be elected.

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the same manner as is provided for in the fourth section of this act.

To take oath
& execute bond.

§ 12. That said marshal, when so elected, and a certificate thereof furnished as aforesaid, shall, before he enters upon the duties of his office, take an oath before some justice of the peace for Fulton county, faithfully and impartially to discharge the duties of said office, according to law; and shall also execute bond, with good surety or sureties, payable to the trustees of said town, and to be approved of by any two of them, in the penalty of two thousand dollars, containing conditions similar to those now required by law in constables' bonds; and any person injured by the official acts of said marshal may sue thereon, before any court of competent jurisdiction, in the name of said trustees, and for his use and benefit.

To whom bond
to be delivered.

§ 13. That the trustees of said town, so soon as said bond is executed, shall attest the same, and deliver it to the clerk of the Fulton county court, who shall carefully preserve and file it in his office, and shall give attested copies, when required so to do by any person, which shall have the same force and credit in all courts of justice as other records from said office are entitled to, under existing laws; and said clerk shall receive therefor such fees as are allowed by law for similar services.

Powers & du-
ties of marshal.

§ 14. That said marshal shall be a conservator of the peace throughout said county; he shall have power and authority to execute all mesne and final process issued by said police judge, and shall be governed in the service and execution of process by the same rules, regulations, and laws that now or hereafter shall govern constables in the service and execution of process, and shall be liable for property held by virtue of process, or for money collected, and may be proceeded against, in the same manner now or hereafter prescribed by law in reference to constables.

§ 15. That each successive marshal for said town, elected as herein before prescribed, when he goes out of office, shall deliver to his successor such official papers remaining in his hands as may need further official action.

Term of office.

§ 16. That said police judge and marshal shall, respectively, hold their offices until their successors be elected and qualified according to the provisions of this act; and all laws inconsistent herewith be and the same are hereby repealed.

Approved February 18, 1851.

CHAPTER 304.

AN ACT to incorporate the Marine Insurance Company, at Paducah.

Company in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Betry Hodge, R. S. Ratcliffe, and

Thomas W. Brandon, of Paducah, together with those who may hereafter become stockholders, as hereinafter denoted, are hereby created a body politic, by the name and style of the marine insurance company, to be located at Paducah, and shall continue until the 1st day of May, 1876; and, by that name, are hereby made capable and able, in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, tenements, rents, goods, chattels, and effects, to an amount not exceeding one hundred thousand dollars, and the same to sell, convey, and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts in this commonwealth, or elsewhere; may make and use a common seal, and the same to break, alter, or renew at pleasure; to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall be deemed necessary and convenient for the government of said corporation, not contrary to law; and generally to do all acts and things that a corporation may lawfully do.

§ 2. That the persons named in the first section of this act, or a majority of them, shall open books for the subscription of stock in said company, which shall consist of one thousand shares, of one hundred dollars each, payable in gold or silver coin, or the notes of the solvent banks of Kentucky; and, at the time of subscribing, shall have the right to demand fifteen dollars on each share, and to have the residue secured to the satisfaction of said corporation, to be paid as calls shall be made on the stockholders or subscribers. Said calls shall not be made for a smaller sum than twenty-five dollars on each share, so long as there is that amount due; and when the amount due is less than twenty-five dollars on each share, then the call shall be made for the balance; but sixty days must intervene between calls; and it shall be the duty of the president and directors to give thirty days' notice of any call they make; and if any stockholder shall fail to pay, or cause to be paid, such call, or any part thereof, it shall be lawful for the president and directors to declare them forfeited to the company, together with all the previous payments thereon, after publishing the same thirty days after the call is due, if still unpaid.

§ 3. That the shareholders shall meet at the place of opening the books for the subscription of stock in the said company, on the first Monday in June or October, 1851, and at the office of said company on the first Monday of June in each succeeding year, and elect a president and three directors, who shall continue in office until the first Monday in June in each year thereafter, and until their successors shall be elected; of which election thirty days' previous public notice shall be given. Any vacan-

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Books to be
opened for the
subscription of
stock.

Election of
directors, when
to be held.

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cy that may occur, from any cause, shall be filled by the president and a majority of the directors for the residue of the year; and no person shall be a president or director who is not the owner of at least three shares of stock.

Voting regulated.

§ 4. That in all elections by the stockholders, each share, to the number of twenty-five, shall be entitled to one vote, and every two additional shares shall entitle the holder to an additional vote; but no person who is not a resident of this state shall have the right to vote; and after the organization of the company, no stockholder shall be entitled to vote unless he shall have been the owner or holder of the stock three months prior to such election, by regular transfer upon the books of the company; and shares may be voted upon by the administrator or executor of the owner, or by proxy.

May appoint all necessary officers.

§ 5. That the president and directors, for the time aforementioned, shall have power to appoint such officers and agents under them, and at such places as shall be necessary for executing the business of the company, and to allow such compensation as may be agreed upon, and may require bond with security for the faithful discharge of their respective duties and trusts; and the president and directors shall have power to make by-laws and ordinances to govern the corporation. The president and two directors shall constitute a quorum to do business, or the three directors without the president, one of whom shall be president *pro tempore*.

May insure property, &c.

§ 6. That the president and directors, for the time being, shall have power and authority, in the name of the company, to make insurance, at such rates of premium or interest as may be agreed upon by the parties, upon every description of property transported by land or water in the United States, from loss by fire or water; and likewise to make insurance upon every description of vessel that transports freight or passengers; and to make all kinds of contracts in which the casualties of the above described property are involved; and every such contract, bargain, agreement, or policy, to be made by said corporation, shall be in writing or in print, and shall be signed by the secretary, or any agent appointed by the president and directors for that purpose.

Dividend to be made.

§ 7. It shall be the duty of the president and directors, on the first Monday in March and September, in each year, to make a dividend of so much of the profits of said corporation as to them shall appear advisable: *Provided*, no dividends shall be declared until the whole amount of stock subscribed be paid in, and in any case of loss or losses, whereby the capital stock of the corporation shall be diminished or impaired, no subsequent dividends shall be made until a sum equal to such diminution, arising from the prof-

its of said corporation, shall have been made and added to the capital.

§ 8. The said corporation shall not engage in the business of banking, otherwise than in the purchase and sale of bills of exchange, nor shall they commence business until the amount of twenty thousand dollars is subscribed, and forty per cent. of that amount paid in; and so much of the capital stock as may not be permanently invested may be loaned, at the discretion of the president and directors, on promissory notes, at bank rates.

§ 9. That if the whole one thousand shares of capital stock shall not be taken when the books of subscription shall first be opened by the commissioners, the president and directors may cause the books to be opened on the first Monday in May, or at such other time in the year as they direct, and may require such premium on the stock sold at the re-opening of the books as they shall deem right, and such premium shall be the property of the corporation.

§ 10. That whenever said corporation shall be notified of a loss sustained or incurred on any policy of insurance granted or issued by the same, it shall be their duty to pay the amount so lost or insured on such policy, within sixty days after being so notified, as aforesaid: *Provided*, there shall have been no violation of the condition of the policy on the part of the insured.

§ 11. Said corporation shall keep, by its proper officer, a true record of its by-laws and transactions, which shall be open to inspection at all times to those interested.

§ 12. The general assembly hereby reserves the right to amend or repeal this charter at pleasure.

Approved February 18, 1851.

CHAPTER 395.

AN ACT to regulate tolls on turnpike roads in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when any person or persons, on horse-back, or with wheel carriages or wagons, may travel on any turnpike road in the county of Mason, and shall travel on said turnpikes a less distance than five miles, then such person or persons shall only be charged, when passing any one of the gates of said turnpike, for the actual distance traveled, at a rate proportionate to full toll for five miles of travel on such road.

Approved February 18, 1851.

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Shall not engage in banking.

If stock be not all taken, books may be re-opened.

When losses to be paid.

Record of proceedings to be kept.

1851.

CHAPTER 306.

AN ACT to regulate tolls on turnpike roads in Kenton county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any person or persons may travel to or from the residence of any person or persons in the county of Kenton, to or from the city of Covington, upon any turnpike road, the person or persons, so traveling to Covington or from that place, shall not be subject to any other or greater toll for the actual distance traveled, than will be proportionable to full toll for five miles of travel upon such turnpike road.

§ 2. That funeral processions for neighborhood burials shall be exempt from toll.

Approved February 18, 1851.

CHAPTER 307.

AN ACT for the benefit of Asbury Chapel, in the city of Louisville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David Straws, Fredrick Myers, Nathan Hardin, Clark Barber, Levi Evans, William Butcher, and Nathaniel B. Rogers, or a majority of them, at present trustees of Asbury chapel, of Louisville, shall have the right and power to sell and convey the lot of land in Louisville, situate at the corner of Green and fourth streets, to the masonic fraternity of Louisville, saving to all creditors their liens on said lot of ground.

§ 2. That the said trustees shall invest the proceeds in another lot of ground, to be holden upon like terms as those now imposed upon said lot of ground at the corner of Green and fourth streets.

§ 3. That the said trustees shall not have power to reinvest the proceeds of sale arising from the conveyance of said lot, in any real estate in the city of Louisville, unless the deed whereby they may acquire title shall first be approved by the mayor of said city.

§ 4. In the event of the trustees aforesaid acquiring any real estate under this act, and erecting any house of worship thereon, the mayor and council of Louisville shall have power, by ordinance, to make such rules for its government and proper conduct as they, from time to time, deem expedient, or may order the property to be sold at auction, and the proceeds paid over to said trustees.

Approved February 18, 1851.

CHAPTER 308.

AN ACT to incorporate the Kentucky Savings Bank, at Louisville.

Bank incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a savings bank is hereby estab-

lished at the city of Louisville, to be called the "Kentucky savings bank;" and, by that name, shall have all the rights and privileges of a natural person, in suing and being sued, answering and defending in all courts of law or equity.

§ 2. William Garvin, James Trabue, Hayden T. Curd, Oscar Wilder, Joseph Chamberlin, S. W. Pugh, Charles B. Cooper, James E. Breed, A. B. Van Winkle, and Henry C. Caruth, or any three or more of them, may, at such time and place as suits their convenience, open books for the subscription of stock, which shall be in shares of twenty-five dollars each; and when four thousand shares shall be subscribed, and one dollar per share paid thereon, the stockholders may meet and elect seven directors, who shall serve one year, and until their successors shall be elected. The directors may annually elect a president of their number.

§ 3. The president and directors may adopt a seal, and change it at pleasure; they may appoint all necessary agents and officers, fix their compensation, and take bond and security for the faithful discharge of their duties. They may prescribe the manner of paying in the stock, and the transfer thereof. They shall have a lien on the stock for debts due them before other creditors, except the state and for taxes.

§ 4. This corporation shall have the rights and privileges of the chartered savings institutions of the state. They may receive, on special deposit, gold and silver coin, and bank notes, and issue certificates thereon, and allow such interest as may be agreed upon, and, twice per year, declare and pay to stockholders a dividend of profits.

§ 5. The president and directors shall annually appoint the time and place for holding the election of their successors, and any two or more of their number shall attend and conduct said election. They may, at any election, increase or decrease their number, not to exceed twelve, nor less than five. The right to alter or repeal the provisions of this charter is reserved to the general assembly.

Approved February 25, 1851.

CHAPTER 310.

AN ACT to amend the road law in Pendleton county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of each surveyor of the several district roads in Pendleton county, on or before the fifteenth day of April, in each year, to give written notice of all days appointed by him for working said district road, by leaving a copy of the same at the house of every person by law compelled to work district roads, and with the parent, guardian, master, or other person controlling the service of all hands, by law compelled

1851.

Commissioners.

Duty of president & directors.

Powers and privileges.

When annual elections to be held.

Surveyors to give written notices.

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to work on public roads, under twenty-one years of age, and with the master of all slaves compelled by law to work thereon.

How long hands
to work.

§ 2. That it shall be lawful for each of said surveyors to work the hands in his district six days in each year, if, in his judgment, the public good shall require it: *Provided, however,* he shall have power to call out the hands at any time, to remove any casual obstruction which may exist in said district road, by allowing them a credit therefor against his set days for said service.

Duty of surveyor

§ 3. That it shall be the duty of every said surveyor, after having worked his said road any number of days required, to return to the nearest justice of the peace for said county, on oath, a true list of all persons in his said district that have failed or refused to work on said road, which shall be filed by said justice in his office; and thereupon said justice shall immediately issue his warrants to the district constable; against such delinquents, to cause them to appear before him and show cause why they failed or refused, as aforesaid; and if any such delinquent shall show good cause why he has not worked said road, then the justice shall release such delinquent from fine; but if no such delinquent shall appear, after being duly summoned, or if appearing, shall fail to show good cause, as aforesaid, then said justice shall render judgment against every such delinquent, in the sum of one dollar for every day such delinquent failed to work as aforesaid, and shall issue execution thereon, which said constable shall collect, by distress, with the same power he has to collect fee bills, out of any property said delinquent may have, or from the parent, guardian, master, or other person controlling the service of those under twenty-one years of age, and lawfully bound to work roads.

Duty of constables.

§ 4. That it shall be the duty of every constable in said county, collecting such executions, to pay over the several amounts thereof, after deducting therefrom ten per cent. for collection and services, to the respective surveyor of the road entitled to receive the same, and take his receipt therefor, out of which said surveyor shall be entitled to retain seventy-five cents for every day necessarily employed in notifying the hands to work on said road, and in returning his delinquent list to the justice of the peace, of which he shall file his affidavit with the justice before whom he returned said list.

How fines to
be applied.

§ 5. It shall be the duty of the several surveyors of roads in said county to invest the amount of all fines remaining in their hands, respectively, in improving their several district roads in which the same was assessed, and, for failure to do so, shall forfeit and pay the sum of five dollars for each offense; any justice of the peace of said county who shall fail to discharge the duties imposed on him by this act,

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shall forfeit and pay five dollars for every such failure; and any constable, for failing to pay over the amount of every such execution, so collected, to the said surveyor, shall forfeit and pay the sum of ten dollars; said fines and forfeitures shall be collectable before any justice of the peace for said county, by any person suing for the same, and shall be applied to the further improvement of the roads of the several districts where assessed.

§ 6. That it shall be lawful for the county court of Pendleton county to allot hands to work on and keep clear of drift, Licking river, within said county, any law to the contrary notwithstanding.

Approved February 25, 1851.

CHAPTER 311.

AN ACT to incorporate Wildey Lodge, No. 40, Independent Order of Odd Fellows.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Marrs, George W. Matthews, William W. Penny, John H. McBrayer, and John Taylor, and their associates, members of Wildey lodge, No. 40, independent order of odd fellows, in Lawrenceburg, be and they are hereby created a body politic and corporate, by the name and style of Wildey lodge, No. 40, independent order of odd fellows, with perpetual succession; and, by that name, shall be capable, in law, of having and using a common seal, of suing and being sued, pleading and being impleaded, of answering and being answered, and defending in all courts and elsewhere, as natural persons; and may ordain and put in execution such by-laws, rules, and regulations for its government, and the management of its affairs, and change and renew the same, as they may deem proper: *Provided*, they be not contrary to the constitution and laws of this state and of the United States.

Members incorporated.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value; and, from time to time, if deemed expedient, may sell and convey the same, or any part thereof, and re-invest or dispose of the proceeds; and may create a fund, in the same manner, for the benefit of the widows and orphans of deceased members of the corporation, sufficient to yield an annual income not exceeding three thousand dollars, and make laws and rules for the management and distribution thereof.

May hold real estate.

§ 3. The said corporation shall have power to establish a school and a library, or either, and to acquire and hold, for that purpose, a fund, in the manner named in the second section of this act, for the support of the same, or either of them, sufficient to yield an annual income not

May establish school or library

1851.

exceeding five thousand dollars, and to appoint suitable teachers and stewards, and other necessary officers, and to remove the same at pleasure; and may ordain, execute, and change all laws, rules, and regulations which they may deem necessary and proper for the government thereof, not inconsistent with the constitution and laws of this state or the United States.

§ 4. In the event of a dissolution of this corporation, its effects and property shall become the property of the grand lodge of Kentucky, of the independent order of odd fellows.

Approved February 25, 1851.

CHAPTER 313.

AN ACT to surrender to the counties through which the Owingsville and Big Sandy Turnpike Road runs, the control of said road, and declare the same a county road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when the charter of the Owingsville and Big Sandy turnpike road company shall be declared forfeited, under the act, approved December 21, 1850, entitled, an act to require the attorney general to perform certain duties in regard to the Owingsville and Big Sandy turnpike road company, the attorney general shall inform the county courts of the counties of Bath, Fleming, Carter, and Greenup of the forfeiture of said charter. Each of the said courts (if they shall think it the best course) shall then take control of so much of said road running through their respective counties, and shall cause the same to be put in complete repair as a turnpike road, and according to the requirements of the various acts respecting said road; and, to this end, shall make all necessary contracts, and make appropriations out of their county treasuries, and appoint commissioners, not exceeding three in each county, to manage the said road, under the control and directions of said courts; and in all things shall be governed by the act of incorporation of the original charter, and amendatory acts concerning the same, and shall be subject to all the liabilities, and have all the powers granted heretofore to said company, when the same is not inconsistent herewith; and may put up gates every ten miles, and take toll to keep said road in repair; or the said courts, or either of them, if they shall not adopt the course pointed out in the first part of this act, shall declare so much of the road as is in their respective counties a county road, and shall appoint surveyors, and allot hands to keep the same in repair, as other county roads; and shall take control of all the bridges and other property of the same, and control the same as property of the said counties, for the purposes of said road;

and in all things be governed by the laws concerning other county roads; but nothing herein shall be construed to mean that the property in said road is surrendered to the counties, or either of them, so that the general assembly cannot resume the right of property, or control of the same, by a repeal of this act.

1851.

Approved February 25, 1851.

CHAPTER 314.

AN ACT for the benefit of James Clark, late sheriff of Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Clark, late sheriff of Casey county, have the further time of two years to collect the arrearages of taxes and fee bills in his hands due and uncollected for the years 1845 and 1846, and that he be authorized to levy and distrain for the same, as now provided by law.

Approved February 25, 1851.

CHAPTER 316.

AN ACT to encourage the construction of Plank, Turnpike, and Railroads in Daviess county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That each stockholder, in any company now organized, or which may be organized, (under the general law of this state, approved March 7, 1850, entitled, an act to authorize the construction of plank, stone, and gravel turnpike roads in this commonwealth,) for the purpose of constructing plank or railroads in Daviess county, for each share of one hundred dollars subscribed and actually paid in, shall, as long as said stock is held in his or her own right, have one hand exempt from working on other public roads in said county.

§ 2. That the president and board of managers of any such road, in the county of Daviess, shall be unrestricted as to the amount of profits or dividend declared to the stockholders: *Provided*, they do not exceed the rates of toll prescribed by the ninth section of the general law aforesaid.

Approved February 25, 1851.

CHAPTER 317.

AN ACT to incorporate the Aeolian Building Company, of the town of Bowlinggreen.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That A. G. Hobson, George Lehman, J. G. McGehee, Charles J. Vanmeter, Chesterfield Jackson,

Company incorporated.

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William M. Dunnavan, Joseph B. Martin, and William J. Hobson, and their associates and successors, are hereby created a body corporate, by the name of the *Æolian* building company, for the purpose of erecting a suitable building or buildings, in the town of Bowlinggreen, in Warren county, for the purpose of renting for the use of societies, individuals, exhibitions, and such other purposes as said company may, from time to time, determine on.

Capital stock. § 2. That the capital stock of said company shall not exceed ten thousand dollars, to be divided into shares of ten dollars each. Every stockholder shall be entitled to a vote on each share of stock subscribed for and paid by him. The written or printed certificate of the president of the board of trustees, hereafter to be appointed, shall be evidence of the ownership of stock in said company, and the same shall be transferable on the books of the company, or by assignment, with notice thereof to the trustees, in accordance with such by-laws as may be passed regulating assignments, transfers, &c.

Trustees to be elected annually § 3. That the management of the concerns of said corporation shall be confided to a president and four trustees, whom the stockholders shall elect annually in the month of April, and who, or a majority of whom, shall have full power to make all contracts pertaining to the erection of a proper building or buildings, such as buying a lot or lots, contracting for materials, furniture, &c., and all incidental powers to finish and complete said building, or buildings, as may best suit the purposes of said company.

May enact by-laws, &c. § 4. That said corporation shall have full power to make all by-laws necessary to carry out the foregoing purposes: *Provided*, a majority of all the stockholders shall vote for such by-laws, at any regular meeting.

Objects of this act. § 5. That the object of this corporation shall be for the purpose of erecting, by joint stock, a building or buildings suitable for societies, rooms for exhibitions, or for stores and other purposes; and each stockholder shall hold an interest therein in proportion to the amount of his stock.

Corporate powers. § 6. The said corporation shall be capable of suing and being sued, and of holding the legal title of any lot or lots that may be necessary for the above purposes, and conveyed to it. That said president and trustees shall have full power to sell and convey any lot or lots, and the property of said company, whenever a majority of two-thirds of said stockholders shall so determine at a regular meeting: *Provided always*, said company shall be liable to pay taxes on the property owned by them, as individuals are.

Approved February 25, 1851.

CHAPTER 318.

1851.

AN ACT to incorporate Green River Lodge, No. 54, Independent Order of Odd Fellows, in Hopkinsville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Green river lodge, No. 54, of the independent order of odd fellows, of Hopkinsville, Christian county, be and they are hereby created a body politic and corporate, with perpetual succession; by the name and style of Green river lodge, No. 54, of the independent order of odd fellows, of Hopkinsville; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of leasing, renting, purchasing, and holding all such real estate as may be requisite for the use and accommodation of said lodge; to receive all necessary conveyances, and to sell, dispose of, and convey all such real estate as they may now own, or hereafter acquire: *Provided*, the amount vested in real estate, by purchase made by such lodge, shall at no time exceed the sum of ten thousand dollars, in addition to the cost of the building or buildings that may be erected thereon.

Members in-
corporated.

§ 2. That the management of the concerns of said corporation shall be and is hereby entrusted to three trustees, who shall be annually appointed by said lodge, from among its members, in the month of October, and who, or a majority of whom, shall have full power to make all contracts in relation to the real or personal estate of said lodge, in every respect, either in purchasing, building, renting, or for any other purpose, which shall be binding and obligatory on said lodge, when made in pursuance of the rules, by-laws, and instructions of said lodge; and when a vacancy shall occur among said trustees, the lodge may proceed at any time to fill it; and should any trustee remove from the town of Hopkinsville, or cease to be a member of said lodge, his said office shall be thereby vacated; and the lodge may, for good cause, remove any of the trustees. Service of notice or process on any of said trustees shall be sufficient notice to said corporation.

Trustees to be
elected annually

§ 3. That the object of this act is only to enable said lodge to rent, purchase, or hold real and personal estate; and the power hereby granted shall not be employed for any other purpose; and the laws, by-laws, rules, and regulations of said lodge touching said estate, shall not conflict with the constitution and laws of this state.

Approved February 25, 1851.

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CHAPTER 319.

AN ACT to establish the office of Town Marshal in the town of Independence, in the county of Kenton.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is established in the town of Independence, in Kenton county, the office of town marshal, who shall have the same power and authority, be compelled to perform all the duties, shall possess all the rights, and be subject to all the liabilities and penalties which any constable of said county has, possesses, and is liable to by law, or may hereafter have, possess, or be liable to; and all laws hereafter enacted in relation to constables, shall be applicable to said marshal. He shall have the same fees which constables are now, or may hereafter be, entitled to receive, by law, for like services, and shall be subject to like penalties for taking illegal fees that constables now are, or hereafter may be.

§ 2. The said marshal shall be elected for two years, in every second year after the first election, by the qualified voters of said town, when trustees for said town are elected; which election shall be conducted by the same officers who are required by law to conduct the election for trustees; and it shall be the duty of said officers to certify the same to the next county court to be holden thereafter, and said court shall order said certificate to be entered upon their records, and shall administer to the marshal, so elected, a similar oath to that constables are by law required to take; and shall also take from said marshal a bond, to be filed with the records of said court, with good surety, in the penalty of two thousand dollars, conditioned that he will well and truly discharge all the duties imposed by law; which bond may be put in suit by any one who shall be aggrieved by the acts of said marshal.

§ 3. The first election of said marshal shall be held at the next election for trustees of said town, holden after the passage of this act.

Approved February 25, 1851.

CHAPTER 320.

AN ACT to incorporate Hickman Lodge, No. 131, of Free and Accepted Masons.

Members incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of Hickman lodge, No. 131, of free and accepted masons, in Clinton, Hickman county, be and they are hereby created a body politic and corporate, by the name and style of Hickman lodge, No. 131, of free and accepted masons, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of

pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; of receiving all necessary conveyances, and of selling, disposing of, and conveying all such real or personal estate as they may now have, or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to Clifton Brite, B. M. Hatch, J. T. Moore, E. L. Watson, and Edward Crosland, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real and personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

Trustees appointed.

§ 3. That the trustees named in the foregoing section shall hold their offices until the first Monday in June, 1852, when the members of said lodge shall elect five trustees, and continue to hold their elections for trustees in the month of June, annually: *Provided*, that said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of this state, as may be necessary for the management and safe-keeping of the property and other interests of said lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

Election of trustees.

§ 4. The general assembly reserves the right to change or repeal this act at pleasure.

Approved February 25, 1851.

CHAPTER 321.

AN ACT for the benefit of William Abner, of Owalee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Abner, late sheriff of Owalee county, be allowed the time of two years, from and after the passage of this act, to collect the revenue tax and fee bills which are now in his hands uncollected; and that he shall have full power to collect said tax and fee bills in the same manner, and under the same rules and regulations as sheriffs of this commonwealth are now authorized to do, by law.

Approved February 25, 1851.

1851.

CHAPTER 322.

AN ACT for the benefit of the Portland Dry Dock and Insurance Company.

Whereas, the stockholders of the Portland dry dock and insurance company, at their annual meeting, on the second day of June, 1845, unanimously adopted a resolution, and entered the same upon their records, declaring the said corporation to be dissolved; and whereas, doubts exist as to the effect of said dissolution and surrender of their corporate franchises, without the formal acceptance thereof by the legislature. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the dissolution of said corporation, created by an act, approved February 29, 1836, as declared by the stockholders thereof, at their annual meeting, held June 2, 1845, be approved and confirmed.

Approved February 25, 1851.

CHAPTER 323.

AN ACT to amend an act incorporating the Crab Orchard and Crews' Knob Turnpike Road Company, approved March 6, 1850.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the blank in the fourth line of the sixth section of an act incorporating the Crab Orchard and Crews' knob turnpike road company, approved March 6, 1850, be filled with the word "twenty;" and that the blank in the tenth line of the seventh section of said act be filled with the word "twenty."

§ 2. That the county court of Lincoln county shall have power to appoint commissioners to view a way to open a state road from the terminus of the one mile of turnpike road, in the direction of Mount Vernon aforesaid, to the present wilderness or state road, passing over the lands of William Flack and others; and the same proceedings may be had thereon, in every respect, as now provided by law in regard to opening new roads: *Provided, however*, that the said Jonathan O. Bryant shall pay any and all damages that may be assessed under any writ of *ad quod damnum*, obtained by the said Flack and others, by reason of the establishing said state road over his or their lands, or surrender his charter.

Approved February 25, 1851.

CHAPTER 324.

1851.

AN ACT to repeal, in part, the law establishing the road from London, by the way of Williamsburg, to the Tennessee line.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws establishing the road from London, in Laurel county, by the way of Williamsburg, in Whitley county, to the Tennessee line, be and the same are hereby repealed, so far as said road runs through Laurel county; and said road, within the limits of said county, be and the same is hereby established and placed upon the same footing, and under the control and jurisdiction of the Laurel county court, in the same way that other county roads are now under the control and jurisdiction of said court; and said court is hereby authorized and empowered, and shall have the discretion to appropriate any moneys that are now in the hands of their county treasurer, or may hereafter come into his hands, arising from the sale of vacant lands in Laurel county, to building bridges on said road, or otherwise to the improving the same, and to pay persons who have built a bridge or bridges upon said road heretofore, and have not been compensated for the same, in the same manner that they are now authorized by law to pay for building bridges and improving other county roads in said county.

Approved February 25, 1851.

CHAPTER 325.

AN ACT for the benefit of the sheriffs of Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriffs and deputy sheriffs of Bullitt county, for the years 1843, 1844, 1845, 1846, 1847, and 1848, shall have two years, from the passage of this act, to collect the balance of taxes and fee bills due them for the years aforesaid, with the same powers to distrain for the same as though the time for collecting had not expired.

Approved February 25, 1851.

CHAPTER 326.

AN ACT for the benefit of the sheriffs of Hopkins and Logan counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Hopkins county be allowed the further time until the first day of June next to make out and return his delinquent list of revenue for the years 1849 and 1850; and that the sheriff of Logan county be allowed until the first day of June next to make out and return his delinquent list for the year 1850.

Approved February 25, 1851.

1851.

CHAPTER 328.

AN ACT amending an act for the benefit of Mary Ridge and Maria Davenport, approved February 9, 1850.

Whereas, an act was passed by the general assembly of the commonwealth of Kentucky, approved February 9, 1850, legitimating Mary Ridge and Maria Davenport, and making them capable, in law, of inheriting the estate of their father, David H. King, of Lincoln county; and an error was committed in the name of the husband of Maria Davenport. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said act be so amended as to read "Clayton Davenport," instead of "Henry Davenport" where it occurs in said act.

Approved February 25, 1851.

CHAPTER 329.

AN ACT to amend the charter of East Maysville, in Mason county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the qualified voters of the town of East Maysville, in the county of Mason, at the same time and place that they elect their trustees, to elect their assessor, collector, marshal, and all other officers of said town, created by their charter, except their treasurer and clerk of the trustees.

§ 2. That it shall be lawful for the trustees of said town to collect the poll tax levied in said town, and appropriate the same in paving, working, and keeping in order the public roads and streets thereof.

Approved February 25, 1851.

CHAPTER 330.

AN ACT to extend the corporate limits of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following tract of land is hereby added to and made part of the city of Newport, and subject to all the laws and regulations relating to said city, as now established, to-wit: Beginning at the intersection of Ringgold and Saratoga streets; thence with Saratoga street, extended in a southeastwardly course, to the intersection of Harris street; thence with Harris street in a southwestwardly course, to the intersection of Harris and Monmouth streets; thence with Monmouth street to the intersection of Monmouth and Ringgold streets; thence with Ringgold street to the beginning; said addition contains forty-nine lots, which are numbered from No. 1 to No. 49, inclu-

sive, as is shown by the plat, which is of record in the office of the clerk of the Campbell county court.

1851.

Approved February 25, 1851.

CHAPTER 331.

AN ACT to incorporate the Union Hotel Company, in Louisville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby established, in the city of Louisville, a company, with a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified; which subscribers and stockholders, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the president and directors of the union hotel company, and shall so continue until the year 1951; and, by that name, shall be competent to contract and be contracted with, to have, possess, enjoy, and retain such lands, tenements, hereditaments, goods, and effects, as may be necessary and convenient for the erection and furnishing a hotel in the city of Louisville; to rent and demise said hotel, furniture, &c., and all such rooms and store-houses as they may construct in the erection of the said hotel, which may not be needed for the use of said hotel; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, in matters, as natural persons; to have and use a common seal, and change, alter, or renew the same at pleasure; to ordain and put in execution all such by-laws, rules, and regulations as shall seem necessary for the government and carrying out the objects of this corporation: *Provided*, they be not contrary to the constitution and laws of this state or of the United States.

Company formed.

§ 2. That James Guthrie, John I. Jacobs, H. D. Newcomb, Robert J. Ward, Benjamin J. Adams, G. Spratt, and John J. Smith shall be the first directors of said corporation, and shall elect one of their own body president. The president and directors shall appoint a secretary, and keep a fair record of their proceedings. They shall also appoint a treasurer, and such other officers and agents as they may require, and may take bond with security from all officers and agents, and remove them at pleasure; and the president and directors shall manage and control the fiscal and prudential concerns of said corporation in all things.

Directors.

§ 3. The president and directors may proceed to procure subscriptions of stock in said corporation, at

Directors may procure subscriptions.

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such time and places, and payable in such sums, and at such periods as they may deem best; and any one failing to pay his subscription, as required of him or them, may be sued and compelled to pay.

Shall declare
when stock is
forfeited.

§ 4. The president and directors shall have the right to declare when a stockholder has forfeited stock and the payments made; but no such forfeiture shall be made by them, without the service of a notice on the delinquent stockholder, at least twenty days before the record of such forfeiture shall be made on the books of the corporation; and such forfeiture shall not release said stockholder from the sum yet remaining unpaid.

Certificate of
stock to be is-
sued.

§ 5. The stock shall be personal estate, for which the president and directors shall issue certificates to the owners, which shall be transferable in such manner as the corporation may prescribe by the by-laws.

May enact by-
laws, &c.

§ 6. The stockholders shall have a right to make such by-laws, rules, and regulations for the government of the corporation, and the election of the president and directors, as they may deem expedient; also, to fix the term of service, and number of directors, and the time and place of holding elections for president and directors, and who shall be eligible as such; and, also, the time and place of calling and holding general meetings of the stockholders; but none of the by-laws, rules, and regulations shall be contrary to the constitution of this state or of the United States.

May hold real
estate.

§ 7. The corporation shall hold only such real estate as may be necessary to carry into effect the objects for which it is created, and such as in good faith may be passed to them in payment or security of a debt.

When company
shall be organ-
ized.

§ 8. As soon as the sum of one hundred thousand dollars shall have been subscribed, the president and directors shall give notice to the stockholders, and call them to meet at such time and place, in the city of Louisville, as to said president and directors may seem proper; and at such meeting the stockholders may take such steps as they may think proper and necessary, to execute the purposes of this charter.

§ 9. The right is hereby reserved to the general assembly to repeal or modify this charter.

Approved February 26, 1851.

CHAPTER 332.

AN ACT in relation to the city of Newport.

Whereas, doubts exist as to the time of holding the charter election in the city of Newport; and whereas, doubts also exist as to what officers shall be elected under existing laws. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter election in said city shall be held on the first Monday of March in each year, as heretofore; and there shall be elected a mayor, members of the council, and a city marshal, who shall hold their offices for one year, respectively, and until their successors are elected and qualified; and the council may designate, by ordinance, what other officers shall be elected, and shall also fix, prior to the election, the terms of office of all the officers of said city, not otherwise fixed by law: *Provided*, that the terms of office of the mayor and marshal may be extended to two years, by ordinance of the council, passed prior to the election.

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Election, when to be held.

§ 2. In case of sickness or absence of the city marshal, or for other cause, the council may appoint one or more deputy marshals, and take from him or them bond, with security, in such penalty, and such manner as shall be deemed proper; but the marshal shall not be responsible for the acts of the deputies, so appointed. The same right of motion and other proceedings shall, in all cases, exist against any such deputy, and his securities, as shall exist against the marshal; and the same right of motion, and other proceedings connected therewith, which exist against the marshal, and his securities, while in office, shall continue for one year after the expiration of his term of office. The seventh section of the act, entitled, "an act to amend the charter and laws of the town of Newport," approved February 5, 1850, is hereby so changed as to make said section refer to the fourth and fifth sections of said act, instead of the third and fourth; and the same proceedings may be had in cases arising under said seventh section, as provided in the fourth and fifth sections of said act.

Council may appoint a deputy marshal.

§ 3. The council shall appoint or provide, by ordinance, for the election, by the qualified voters of said city, one trustee and visitor of common schools from each ward, with such powers and duties as may be prescribed by ordinance; and said council may appropriate, for the support and maintenance of such schools, any part of the revenue of said city, each year, not exceeding ten per centum, together with such other funds as are now provided for that purpose by law: *Provided*, that so much of an act, entitled, "an act to amend the charter of the town of Newport," passed March 1, 1847, as requires an appropriation of ten cents tax on each one hundred dollars of taxable property in said city to schools, is hereby repealed.

Trustee and visitors of common schools to be appointed.

§ 4. The council may fix, by ordinance, the pay of their successors, not exceeding one dollar for each regular meeting; and may pay their committees a reasonable compensation for their services; and may also make an appropriation to the mayor of a salary not exceeding one hundred dollars per annum; and may also make appropriations for all

Council may fix pay of their successors.

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such other purposes as they may deem will be for the advantage and general good of said city. All laws relating to said city, which are contrary to this act, are hereby repealed.

Approved February 28, 1851.

CHAPTER 334.

AN ACT to incorporate the Grand Temple of Honor of the State of Kentucky, and the Subordinate Temples.

Name and style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William H. Johnson, sr., Josiah Mead, James J. White, R. Dawson, J. C. Frost, S. P. Reader, F. H. Robinson, S. D. Pearson, D. Samuels, and W. O'Hara, of Louisville; A. Stillfield, R. B. Parker, and Edward Oldham, of Lexington; J. Hayt, G. W. Collins, and D. Griffith, of Danville; J. Hayward, temple No. 14, S. M. Moore, No. 3, E. G. Cannon, No. 10, N. B. Waller, No. 7, and S. S. Davis, of Maysville temple, members of the grand temple of honor of the state of Kentucky, and their successors and associates, be and they are hereby created a body politic and corporate, by the name and style of the grand temple of honor of the state of Kentucky; and, by that name and style, shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this state; may have and use a common seal, and the same to break, alter, or amend at their pleasure; they may make and ordain such by-laws and regulations for their government, as, from time to time, they may deem proper, and may change and renew the same at pleasure: *Provided*, they be not in contravention of the constitution of the United States or of this state.

May hold lands.

§ 2. That said corporation shall have full power to have and enjoy, in fee or otherwise, any lands, tenements, or hereditaments, by gift, bargain and sale, devise, or other act of any person or persons, body politic or corporate whatsoever; to take and receive any sum of money, goods, or chattels that shall be given, sold, or bequeathed to them, in any manner whatsoever; and said corporation shall have the right to purchase and hold a suitable lot or lots, any where in the state of Kentucky, upon which to erect such buildings as may be necessary for the use of the grand temple of honor, and for educational purposes: *Provided*, that nothing in this act shall be so construed as to give to said grand temple of honor power to tax any subordinate temple, for the purpose of acquiring any real estate, or of building any edifice.

Subordinate temples incorporated.

§ 3. Each and every subordinate temple now organized, or which may hereafter be organized, under the jurisdic-

tion of the grand temple of Kentucky, shall be a body politic and corporate, by the name and style stated in the charter granted to them by the said grand temple; and shall be vested with all the powers and privileges given by this act to the grand temple of honor of the state of Kentucky, not inconsistent with said charter, and subject to like limitations and restrictions, so long as they may continue to hold a regular and unforfeited charter for said grand temple.

§ 4. Said corporation shall have the power to advance and promote the cause of education in this state, and, for that purpose, they may, at any meeting of said grand temple, by a majority vote of the members present, elect trustees, who, upon their election, shall be a body politic and corporate, by the name and style of the grand temple university of the state of Kentucky: and, by that name, shall be authorized to exercise all powers and privileges that are enjoyed by the trustees, visitors, and governors of like institutions in this state, as now established by law.

§ 5. That said grand temple shall have power to ordain and establish such by-laws and ordinances for the government and management of said university as they may deem proper, not inconsistent with the constitution of the United States and laws of this state.

§ 6. The grand temple shall have power to purchase and hold any land which may be necessary for the erection of primary schools, in such part or parts of the state as they may deem proper, and ordain and establish such ordinances and by-laws for the government of any primary schools established by them, as they may deem necessary.

§ 7. The legislature shall have the right at any time to amend, alter, or repeal this charter.

Approved March 3, 1851.

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May enact by-
laws, &c.

May purchase
and hold lands.

CHAPTER 335.

AN ACT to authorize the town of Paducah to subscribe stock in a plank road and the Duck River Slackwater Navigation Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Paducah, in this state, may subscribe for stock, to the amount of thirty thousand dollars, in a plank road from Paducah, leading to the Tennessee state line, in the direction to Paris, or Boydsville, in said state of Tennessee, and pay for said stock by bonds of the town of Paducah, redeemable at any time within twenty years, bearing an interest of six per cent. per annum, payable on the first day of January and July, in each year; and that for the purpose, if necessary, of paying the interest on said bonds, and providing for their payment, the town of Paducah may levy a specific tax of fifty cents upon each one hundred dollars value of the real estate in said

May subscribe
stock in a plank
road.

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town of Paducah, to be collected as the other taxes of said town.

Through what
counties said
road may run.

§ 2. That the corporators in said plank road may run the said road through the counties of McCracken, Graves, and Calloway, or either or all of said counties, and select the route for said road, and also fix the tolls to be paid on said road, and have the sole and exclusive construction of said road; but in all other respects, shall be governed by the provisions of an act, entitled, "an act to authorize the construction of plank, stone, and gravel turnpike roads in this commonwealth," approved March 7, 1850.

May redeem
said bonds.

§ 3. That the town of Paducah may at any time redeem said bonds, in whole or in part, by the stock of said town in said road.

Vote to be taken

§ 4. That before this act shall become a law, the same shall be submitted to a vote of the qualified voters in said town of Paducah, on the first Monday in April next; and if a majority of the qualified voters, in said town of Paducah, shall thereupon vote in favor of this act, then the same shall take effect and become the law, and, as such, shall in good faith be carried into effect by the corporation of the town of Paducah; and it shall be the duty of the chairman and board of trustees of the town of Paducah to appoint a judge and clerk of the election, to be held on the first Monday in April next, as provided in this section; and the said judge and clerk of election shall open the polls at the court house in said town of Paducah, on said first Monday in April next, and make a written statement of said voting, and return immediately the same, together with the poll book, to the chairman or clerk of the board of trustees; and if a majority of the qualified voters in said town of Paducah have voted in favor of this act, the said chairman and board of trustees shall cause notice of the same to be given in the public newspapers published in said town.

May sell the
bonds.

§ 5. That the town of Paducah may sell the said bonds, and pay for the said stock in said road, or the said town of Paducah may pay said bonds for the stock in said road: *Provided*, said bonds shall not be disposed of for less than their par value, as called for on the face of said bonds; and the tolls paid said town of Paducah, on the stock owned by said town in said road, shall be expended in paying the interest due on said bonds; and any surplus of dividend from said tolls shall be funded and applied to the purchase of said bonds, as speedily as the same can be done.

Shares of stock
how divided.

§ 6. That the stock in said road shall be divided into shares of twenty-five dollars each; and said town of Paducah shall repay to any person or persons, their heirs, executors, or administrators, in stock in said road, the amount of taxes any such person or persons owning real estate in said town may pay, under the provisions of the act, until all of the taxes paid under the provisions of

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this act shall be refunded in the stock in said road to any such person or persons who may, under the provisions of this act, pay any such taxes; and the said chairman and board of trustees shall carefully enter and keep a true record of all the taxes paid under the provisions of this act, and of the persons owing and paying tax on real estate in said town; and the said chairman and board of trustees shall issue certificates to the persons paying such tax at the end of each fiscal year; and said certificates shall be redeemed and paid in the stock of said road, as provided for in this section; and said certificate may be indorsed and transferred on the books of said chairman and board of trustees.

§ 7. That the town of Paducah shall subscribe and pay for fifteen thousand dollars of stock in the Duck river steamboat slackwater navigation company, and pay for the same in bonds of said town, to bear six per cent. interest, payable on the first day of July and January, in each year; and that said bonds shall be redeemable in thirty years.

§ 8. That in taking the vote, as provided in the fourth section of this act, the vote shall be separate upon the two questions; and if a majority of the qualified voters shall vote in favor of taking the stock in the plank road, and shall vote against the subscription to stock in the Duck river slackwater navigation company, or shall vote in favor of the subscription to stock in the Duck river slackwater navigation company, and against the subscription to stock in said road, then so much of said act as a majority of the qualified voters in said town may vote in favor, shall become binding and be the law; and so much of said act as a majority shall fail to vote for, shall be null and of no effect.

To subscribe stock in Duck river navigation company.

Vote to be taken on the above.

Approved March 3, 1851.

CHAPTER 836.

AN ACT to incorporate the Narrows Bridge Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Saunders, William B. Lindsay, P. Green, John Duvall, and such others as may be associated with them, shall be and they are hereby created a body politic and corporate, under the name and style of the Narrows bridge company, which bridge is to be built over Eagle creek, at or near the narrows of said creek; and, by that name and style, shall have perpetual succession, may sue, and be sued, plead and be impleaded, in all courts of law and equity in this commonwealth; and have and possess all the powers incident to a corporation, necessary to carry into effect the objects of this act.

Name and style.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each, which stock may be subscribed for at such times and

Capital stock.

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places as any of said commissioners, herein named, may deem proper; and they are authorized to open books for the subscription of stock, from time to time, as they may see proper, until the whole of said stock shall be subscribed; they shall procure one or more books, and the subscribers therein shall sign an obligation, as follows, viz: "We, whose names are hereunto subscribed, do respectively promise to pay the president and directors of the Narrows bridge company the sum of fifty dollars for each share of stock by us subscribed, subject to the rules of said company."

Meeting of
stockholders.

§ 3. Whenever the sum of three thousand dollars is subscribed, it shall be the duty of the commissioners to give said stockholders ten days' notice, by setting up written notice at three or more public places in the counties of Carroll and Owen, calling a meeting of the said stockholders at Lodge and Jackman's mill, at such time as they may designate, for the purpose of electing a president and four directors for said company; and each and every stockholder shall have one vote for each share of stock by him or them subscribed, and may vote in person or by proxy; and each year thereafter the stockholders shall meet at such time and place as the president and directors may appoint, and elect a president and four directors to serve the ensuing year, and until their successors shall be elected; and, after the first election, all the powers and privileges hereby granted shall vest in the president and directors of said company, and their successors in office.

Powers and
privileges.

§ 4. The president and directors shall have power to make calls on the stockholders for such proportions of the stock, so subscribed, as they may, from time to time, deem necessary; they may let out to any undertaker the building of said bridge, and shall have full power and authority to make contracts with any individual for stone, lumber, or other material necessary in the building of said bridge, and to receive, by gift or purchase, any conveyance of land on either side of said creek, for the abutments, toll house, and necessary avenue leading to said bridge.

May receive
tolls.

§ 5. That when said bridge is completed, the president and directors thereof may employ some suitable person to receive and collect the tolls from persons traveling over the said bridge.

Rates of toll.

§ 6. The president and directors are authorized to charge and collect such tolls for passing over said bridge as the Ghent and Eagle creek turnpike road company are allowed to charge for passing any one of the gates on said road.

May declare
dividends.

§ 7. The president and directors of said bridge company shall declare a dividend of the net proceeds arising from the tolls of said bridge, to be made annually: *Provided*, that no stockholder in the arrears shall receive any such dividend.

§ 8. The president and directors shall have power to make by-laws, rules, and regulations for the government of persons crossing said bridge, and for the care and preservation of the same, and to fine persons violating such by-laws, which fines may be collected by any constable of Carroll or Owen county, as other fines; which fines shall be applied to the use and benefit of said company.

Approved March 3, 1851.

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May enact by laws, &c.

CHAPTER 337.

AN ACT to incorporate the Lexington, Owingsville, and Big Sandy Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert Wickliffe, Thomas B. Megowan, D. C. Payne, Jacob Hughes, and Thos. Hughes, of Fayette county; Joseph H. Richard, A. Trumbo, jr., John W. Barnek, M. R. Conner, and John W. Richards, of Bath county; B. J. Peters, W. H. Smith, Peter Everett, Joseph Bondurant, and Burwell S. Tipton, of Montgomery county; George W. Crawford, Robert G. Carter, B. B. Throop, Jackson Ward, and D. K. Weis, of Carter county; William Hampton, John Culver, William Giger, Hugh Means, and James Lampton, of Greenup county, be and they are hereby appointed commissioners, under the direction of any three or more of whom, in their respective counties, subscriptions may be received to the capital stock of "the Lexington, Owingsville, and Big Sandy railroad company," hereby incorporated; and they, or any three of them, may cause books to be opened at such times and places, in their respective counties, as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after giving due notice of the time and places of opening said books. The books may be continued open as long as deemed proper.

Commissioners.

§ 2. The capital stock of said company shall be one million of dollars, to be increased if necessary, to complete or furnish the road with lands, depots, sites, machinery, cars, or other necessary appendages or equipments to make or carry on the business of said company; said stock to be divided into shares of fifty dollars each, and shall be considered personal property.

Capital stock.

§ 3. As soon as one hundred thousand dollars shall have been subscribed to said capital stock, the said commissioners shall advertise an election for a president and five directors to manage the affairs of said company; and at such election two of said commissioners shall attend and conduct the same; and each stockholder shall, at such election, have one vote for each share of stock he or she may hold, and may vote by proxy; and the persons hav-

When company may be organized and directors elected.

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ing the highest number of votes shall be declared elected, notified thereof, and they shall take an oath before some justice of the peace, faithfully to discharge the duties of their station, severally. The president and directors shall hold their offices for one year, and until others are elected and qualified, and shall have power to fill all vacancies in their board, to appoint a treasurer, secretary, and other agents, engineers, servants, or laborers, necessary to carry out and effect the object of this act.

Privileges of
the corporation.

§ 4. That the president and directors shall, in order to enable them to locate, construct, finish, and furnish said road, and manage the same after its completion, have, and they and their successors are hereby invested with all the powers, rights, and privileges granted to the Maysville and Lexington railroad company, in the act incorporating said company, approved March 4, 1850; and they shall, in all thing appertaining to the survey, location, ascertaining the damages for lands or materials used, releases of right of way, the declaring dividends, rates of toll, and all other general provisions of said act, be regulated and governed by the same.

Incorporated,
and corporate
powers.

§ 5. That all persons who shall become stockholders in the company hereby authorized, shall be a body politic and corporate, with perpetual succession, and all powers incident to such a corporation in law, with power to sue and be sued, contract and be contracted with, to have and use a corporate seal, by the name aforesaid, for the purpose of constructing and maintaining a railroad, with all such appendages, fixtures, buildings, and machinery, as may be deemed necessary for the use of the same, commencing at or near the city of Lexington, thence to the mouth of Big Sandy river, by the most practicable route, and means raised to construct the same.

Commissioners
for Clarke co.

§ 6. That in addition to the commissioners heretofore named, the following commissioners be appointed for Clarke county: John B. Houston, John Martin, Madison Grooms, Henry Savary, and Henry G. Poston, who shall act in conjunction with the other commissioners.

Approved March 3, 1851.

CHAPTER 339.

AN ACT to amend the charter of the Lebanon and Perryville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, approved February 26, 1850, incorporating the Lebanon and Perryville turnpike road company, as authorizes the erection of a toll gate on said road within not less than one mile of the town of Lebanon, be and the same is hereby repealed; and that

said company be and they are hereby authorized to erect a toll gate on said road within not less than half a mile of the court house in the town of Lebanon; and that the second gate from said town of Lebanon be a gate and a half; and that said company be allowed to charge and receive toll accordingly, so soon as said road is finished and received to the Boyle county line.

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Approved March 3, 1851.

CHAPTER 340.

AN ACT to amend the charter of the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the stockholders belonging to said road are hereby authorized to elect three additional directors, to reside in Mercer county, to aid and assist in the construction of said road, who shall be stockholders therein.

§ 2. Said election shall take place at the court house in Harrodsburg, on the third Saturday in April next, or on any other day, before or after said time, that the president and directors may appoint; and the president and directors shall cause a notice of the time and place of said election to be published at least two weeks previous thereto; and the stockholders shall have the right to vote either in person or by proxy at said election. The president and directors shall appoint suitable persons to superintend said election, and to return to the board the names of such persons as may be elected.

§ 3. That nothing herein contained shall be construed to affect any contract heretofore made in relation to the construction of said road, or the rights of said company, or any individual; but they shall remain as though this act had not passed. This act shall be in force from and after the first day of March next.

Approved March 3, 1851.

CHAPTER 341.

AN ACT to amend the charter of the Lebanon and Bradfordsville Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Lebanon and Bradfordsville turnpike road company, may, upon the completion of five continuous miles of said road, erect one gate; and on completing the residue of said road, erect another gate.

§ 2. That it shall not be necessary on the part of said company to build bridges across each stream on said road: *Provided*, the said company shall, upon such streams as

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the said road crosses, furnish a finely paved or graveled way, so that wagons and carriages may pass with ease and convenience.

Approved March 3, 1851.

CHAPTER 343.

AN ACT to amend an act, entitled, an act to incorporate the Columbus Fire, Life, and Marine Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate the Columbus fire, life, and marine insurance company, approved March 7, 1850, be so amended as to confer upon said corporation all the rights, privileges, and powers, which are given to the Paducah fire, life, and marine insurance company, by the provisions of an act, entitled, an act to incorporate the Paducah fire, life, and marine insurance company, and for other purposes, approved 7th of March, 1850.

Approved March 3, 1851.

CHAPTER 344.

AN ACT to change the boundary lines of the town of Harrodsburg, and to increase the town tax.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundary lines of the town of Harrodsburg be and the same are hereby so changed as to exclud from the limits of said town all that part of the farm of William Payne included in said boundary lines, by an act passed the 5th day of March, 1850.

§ 2. That the trustees of said town be and they are hereby authorized to increase the annual tax for town purposes to any sum not exceeding fifteen hundred dollars.

Approved March 3, 1851.

CHAPTER 345.

AN ACT for the benefit of Mrs. Ann Ellis, of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Mrs. Ann Ellis, of the county of Todd, be and she is hereby authorized to remove to the county of Montgomery, state of Tennessee, any property which she may have or hold as dower property, received from her late husband, Robert Ellis, any law to the contrary notwithstanding.

Approved March 3, 1851.

CHAPTER 346.

AN ACT to incorporate the Mayfield Presbyterial Seminary.

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§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a seminary of learning shall be and the same is hereby established at the town of Mayfield, Graves county, to be known by the name and style of the Mayfield Presbyterial seminary; to be under the management and direction of thirteen trustees, who shall be annually elected or appointed by O'Bion Presbytery; a majority of said trustees shall constitute a quorum to do business.

Name and style.

§ 2. *Be it further enacted*, That the appointment, by said O'Bion Presbytery, on the 26th of March, 1850, of Richard L. Mayes, E. Anderson, J. G. Edens, F. R. Dallam, James N. Beadles, H. N. Coulter, W. P. Ligon, Henderson Gregory, Charles E. Hay, R. M. Searcy, R. D. Lockridge, John Eaker, and L. N. Calvert, trustees of said seminary, is hereby ratified and legalized, as is also all the acts of said trustees since their said appointment, as well as all the acts of said presbytery, done on said 26th March, 1850, having relation to the erection and establishment of said seminary. The trustees of said seminary shall hold their offices for and during one year from and after their appointment, and until their successors are duly elected; they shall have power to fill, by appointment, all such vacancies in their body as may occur by death, resignation, or otherwise. The appointment of trustees for said institution shall take place at the fall session of said presbytery, annually.

Appointment of trustees ratified.

§ 3. The said trustees and their successors, by the name aforesaid, shall be and are hereby declared to be a body politic and corporate, and, as such, shall forever exist; and shall have a common seal, and the same may alter at pleasure, and may sue and be sued, in their corporate name, upon all such contracts as have been, or may hereafter be made with them; and, in their name, may sue all such persons as have subscribed for the erection of a house and establishment of said seminary, and who may hereafter fail or refuse to pay the amounts so subscribed; and the courts having jurisdiction of like sums may try such suit or suits, and give judgment according to the justice of the cause. Said trustees shall be capable, in law, to have, hold, and enjoy any lands or tenements, choses in action, or personal property, and may sell the same, and make title or deeds for the same, in their corporate names; to rent, use, and enjoy the same, and the rents or profits of the same, as they shall judge most advantageous to said seminary.

Corporate powers.

§ 4. That said trustees may appoint a president of their board, a treasurer, and secretary, who shall give bond for the faithful discharge of their duty, or not, as said trustees may deem best. Said treasurer and secretary shall hold

Trustees may appoint President, &c.

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their offices at the will of the board of trustees. Said trustees may pass all such by-laws as may be necessary for the good of said institution, and not contrary to this act, or to the laws of Kentucky, or to those of the United States. They shall regulate the times and places for their own meetings; shall keep a plain record of their acts; shall determine upon the admission or expulsion of pupils to and from said seminary.

May constitute
professorships.

§ 5. Said trustees, and their successors, shall have power and authority to constitute all such professorships in said seminary as they may choose and think best for the interest of the same, and may appoint professors, tutors, masters, and instructors to fill said professorships, for the purpose of having the students in said seminary properly instructed in all those branches of learning and science that said trustees may determine upon, one of whom shall be appointed and styled the president of the Mayfield Presbyterial seminary; and said professors, so constituted and appointed, shall exercise all the powers, and confer all such degrees upon the students, from time to time, as the trustees, by their by-laws, shall direct.

Term of office.

§ 6. That the professors, so appointed, shall hold office during good behaviour, or so long as a majority of the trustees may determine.

§ 7. That the legislature shall have full power, at any time hereafter, to alter, amend, or repeal this charter.

Approved March 3, 1851.

CHAPTER 347.

AN ACT to amend an act, entitled, "an act to incorporate the Hopkinsville Fire, Life, and Marine Insurance Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate the Hopkinsville fire, life, and marine insurance company, approved February 24, 1849, be so amended as to authorize said corporation to buy, sell, and otherwise deal in foreign and domestic bills of exchange.

Approved March 3, 1851.

CHAPTER 348.

AN ACT to amend the charter of the Taylor county Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever ten thousand dollars of the stock of the Taylor county turnpike road company be subscribed, the company is hereby authorized to make contracts for making any part of said road, to be governed in all respects as in the charter to which this is an amendment.

Approved March 3, 1851.

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AN ACT to incorporate the St. Aloysius College in Louisville.

Whereas, it is represented to the present general assembly, that there is a seminary of learning in the city of Louisville, promoted and sustained by Roman Catholic clergymen of that city, by means of their own resources, industry, and intelligence; that the seminary has been open and free for persons of every denomination since its establishment, and will forever so continue to be, and now contains one hundred and sixty students, the managers thereof requiring an observance of moral rectitude, and a compliance with the established collegiate regulations, by pupils, upon their entry thereof, and their continuance therein; and whereas, it is not less accordant to the genius of this republic, than compatible with the sentiments of this legislature, that the dissemination of learning and morality are among the first attributes that should characterize its citizens. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said seminary of learning shall be denominated and known by the name and style of "St. Aloysius." of the city of Louisville; and that J. M. Spalding, Adrian Van Hulst, Ignatius Maes, Charles Messea, John F. Beckwith, James Halpin, and George Watson, of Louisville, and their associates and successors, are appointed trustees thereof.

Name and style.

§ 2. That said trustees, or a majority of them, shall constitute a board; shall have power to appoint a president, secretary, and treasurer, and such other officers and agents as they may deem proper and necessary, and to prescribe their duties; and to make, ordain, and establish such by-laws, rules, and regulations for conducting the affairs of said institution as they may deem proper: *Provided*, the same be not inconsistent with the constitution and laws of the United States or of this state.

Trustees may appoint a president, &c.

§ 3. That the following constitution and by-laws be and they are hereby adopted to govern the board of trustees of the St. Aloysius college, of Louisville:

Constitution and by-laws.

ARTICLE FIRST.

The board of trustees of the St. Aloysius college shall consist of a president, vice president, secretary, treasurer, and at least two other members.

ARTICLE SECOND.

The Catholic bishop, for the time being, of the diocese of Louisville, shall be, *ex officio*, president of the board of trustees; and the rector or president of the college, shall be, *ex officio*, vice president of the board. The other officers shall be chosen by ballot.

ARTICLE THIRD.

The continuance of any member in office, after his election, shall be left to the discretion of a majority of the

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board of trustees; in all other cases, no resolution proposed to the board of trustees shall pass, except by a majority of the votes of the members present, and the president, and, in his absence, the vice president, with two-thirds of the members, will form a quorum for the transaction of business.

ARTICLE FOURTH.

The annual meeting of the board of trustees will take place on the first Monday in May.

ARTICLE FIFTH.

The president, and, in his absence, the vice president shall be empowered to convene meetings of the board of trustees, for particular emergencies; and in all cases a verbal or written notice, given by the secretary, in the name of the president, or, in his absence, of the vice president, shall be deemed a sufficient convocation.

ARTICLE SIXTH.

Whenever the chair of the president of the board of trustees shall be vacant by reason of his death, or absence, the vice president shall, during such vacancies, have all the powers with which the president is vested.

ARTICLE SEVENTH.

The president of the board of trustees, and, in his absence, the vice president, besides having an equal vote with any other member, shall also have the casting vote in case of a tie.

ARTICLE EIGHTH.

Besides the board of trustees, there shall be a faculty, consisting of a president, chancellor, secretary, and of three or more of the professors.

ARTICLE NINTH.

The president or rector of the college shall be, *ex officio*, president of the faculty; and the other members shall be appointed by the board of trustees.

ARTICLE TENTH.

The president of the faculty, with the concurrence of the chancellor and the majority of the members of the faculty, shall have the power to confer the various degrees of A. B., A. M., D. D., and LL. D.

ARTICLE ELEVENTH.

The diploma, by which the above degrees are conferred, shall, in all cases, be signed by the president and chancellor of the faculty, countersigned by its secretary, and bear the seal of the college.

ARTICLE TWELFTH.

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It shall also be the duty of the faculty to appoint professors, and other inferior officers, and to determine the course of studies to be pursued in the various departments.

ARTICLE THIRTEENTH.

It shall be the duty of the secretary to give notice to the trustees of any extra meeting of the board, called by the president, as provided in article fifth of the present constitution. At every session of the board, the secretary shall commence business by reading the minutes of the preceeding meeting; he shall duly record, in the book kept for that purpose, all the transactions of the board; and if any resolutions be passed, they shall be signed by the presiding officers, and countersigned by the secretary. When directed, he shall also carry on the correspondence of the board, and keep a record thereof; and he shall also perform such other duties as may be imposed upon him, and as circumstances may require.

ARTICLE FOURTEENTH.

It shall be the duty of the treasurer to keep all accounts of the board, in due form, in a book or books provided for that purpose; to collect and disburse all moneys, as directed by the board; to make an annual report on the state of affairs, showing therein such acquisitions or donations as may have been made; and to perform such other duties relating to his office as he may be directed.

ARTICLE FIFTEENTH.

This constitution, or any part thereof, may be repealed at any time, changed, or amended. The amendments shall be proposed in writing, at least one week before they are acted upon, and a vote of two-thirds shall be deemed necessary for their adoption.

BY-LAWS.

(a) Secrecy may be enjoined on the board for a short period of time, whenever the majority deem it necessary.

(b) No member shall propose any new subject for discussion until the subject under deliberation be entirely disposed of.

§ 4. That the said trustees may have a seal, on which any device or inscription may be impressed, as they shall think proper; and they may alter the same when deemed proper. The said trustees, as a body politic and corporate, may sue and be sued, plead and be impleaded, before any court of record, judges, or justices of the peace, or body created by law, having jurisdiction of the subject matter about which any suit or suits may be. The said trustees may receive any conveyance, gift, devise, bequest; make any contract, sell, buy, convey, &c., in their corporate ca-

Powers further
defined.

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capacity, and have the same power that corporate bodies created by law have, that are consistent with the constitution : *Provided*, that the rents and proceeds, acquired by this corporate body, shall not, at any time, exceed the sum of twelve thousand dollars per annum.

Exempt from
taxation.

§ 5. That said college shall be forever exempt from state and city taxation : *Provided*, that the legislature reserves the right and privilege to tax said institution, whenever it should deem proper to exercise that power : *And, provided*, the value of the college property does not exceed the sum of one hundred thousand dollars.

Power reserved.

§ 6. That the legislature reserves the right to amend or withdraw the powers of incorporation from this institution, whenever they conceive the trust and confidence abused that are herein reposed. But as no funds have ever been given by this commonwealth, so none are to be taken away in the event of the withdrawal of the corporate capacity.

Approved March 3, 1851.

CHAPTER 351.

AN ACT authorizing the sale of certain streets and an alley in the town of Russellville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Russellville be and they are hereby authorized and empowered to sell and convey two streets in Hubbard Sanders' addition to said town, running between lots Nos. 42, 44, 49, 51, 52, 65, 66, 71, and 72, and also the street in the same addition to said town, running between lots Nos. 35, 36, and 67, in such manner and form as to them may seem most advisable, and appropriate the proceeds of said sale to the benefit of said town.

§ 2. That said trustees are, in the same manner, and for the same purpose, authorized and empowered to sell and convey a small alley in Spencer Curd's addition to said town, now enclosed by E. C. Mason, lying between lots Nos. 4 and 5.

Approved March 3, 1851.

CHAPTER 352.

AN ACT to incorporate Georgetown Chapter, No. 13, of Free and Accepted Masons, and to amend an act incorporating Mount Vernon Lodge, No. 14.

Members in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jas. H. Daviess, Lucien B. Dickerson, and Timothy Hughes, and all the present officers and members of the royal arch chapter of free and accepted masons, at Georgetown, known as Georgetown chapter,

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No. 13, be and they are hereby created a body politic and corporate, by the name and style of Georgetown chapter, No. 13, of royal arch masons; and, by that name, shall have perpetual succession, and be capable of contracting and being contracted with, and of receiving and holding, by purchase, devise, or gift, any number of acres of land not exceeding twenty, and any kind and quantity of personal estate, and to sell, exchange, and convey the same at pleasure; of suing and being sued, pleading and being impleaded, defending and being defended, in any court of law and equity in this state; and may have and use a common seal, and renew and alter the same at pleasure.

§ 2. That said chapter, No. 13, may annually, at their stated meeting in July, elect three trustees of their own body, who shall hold their offices for one year, and until their successors shall be duly elected; and in case of the death, removal, refusal, expulsion, or suspension of any one or more of those so elected, others may, at any regular meeting of said chapter, be elected to supply the vacancy or vacancies.

Election of trustees.

§ 3. That said chapter may adopt for its government any laws, not inconsistent with the constitution and laws of this state, and alter or repeal the same at pleasure.

May make by-laws.

§ 4. That all the property, real and personal, and choses in action, owned by said chapter, shall hereby vest in the same as fully as if acquired after the passage of this act.

§ 5. That an act, approved March 7, 1850, entitled, an act to incorporate Mount Vernon lodge, No. 14, of ancient masons, be so amended that the corporate name thereof shall be Mount Vernon lodge, No. 14, of ancient york masons; and, by this name, may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this state, and receive and hold property, both real and personal, as provided for by the act of March 7, 1850.

[Charter amended.

§ 6. That the number of trustees provided for in said act, to which this is an amendment, shall be three, to be elected of the members of said lodge annually, and to continue in office until their successors are duly elected, provided said trustees shall so long continue members of said lodge.

§ 7. That said lodge may adopt any by-laws, not inconsistent with the constitution and laws of this state, and change or repeal them at pleasure.

§ 8. That each of said bodies may act and bind itself by its common seal, in any contract or conveyance.

§ 9. That the trustees provided for in each shall possess only such powers as are expressly given to them by the by-laws of the lodge or chapter to which they belong.

§ 10. The general assembly reserves the right to alter or repeal this act at pleasure.

Approved March 3, 1851.

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CHAPTER 343.

AN ACT to incorporate Sligo Division, No. 18, Sons of Temperance, in Henry county.

Members in-
corporated.

Corporate
powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That J. Willhoit, A. Rouner, and their associates, be and they are hereby constituted and established a body politic and corporate, to be known and designated as Sligo division, No. 18, sons of temperance; and, by that name, shall have power to purchase and hold, sell and convey any estate, real and personal, necessary or pertaining to the objects of said division, not exceeding the value of twenty thousand dollars; and that, in such name, they shall have full power to sue and be sued, plead and be impleaded, and may have and use a common seal, and change it at pleasure.

§ 2. That it shall and may be lawful for said association or division to establish such offices, elect or appoint such officers, and make and publish any rules and by-laws, not contrary to the constitution and laws of this commonwealth, as they may deem necessary and proper, for the government and regulation of said division.

Approved March 3, 1851.

CHAPTER 354.

AN ACT to incorporate the town of Williamsburg, in Whitley county.

Town incor-
porated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Williamsburg be and it is hereby incorporated; and that said town be governed, in the election of trustees and other officers, and in all other respects whatever by the provisions of an act, entitled, an act to incorporate the town of Monticello, approved February 26, 1848, as if the same was herein inserted.

Police judge
to be elected.

§ 2. That the persons entitled to vote for trustees of said town of Williamsburg, shall, once in every four years, at the time and place of voting for said trustees, elect a police judge, who shall have the powers, and be subject to the duties conferred and imposed on the police judge of Monticello by said recited act; and in case of a vacancy in said office, by death or otherwise, said voters shall fill such vacancy by the election of a police judge for the residue of the term; and the said police judge shall take the oath required by the constitution, before some justice of the peace. The first election of trustees shall take place on the first Saturday in April, 1851, and thereafter on the first Saturday in January in every year; and every person living in said town at the time of the election, and entitled to vote for members of the legislature, shall have a right to vote for said trustees.

§ 3. That Jephtha W. Brawner, James C. Williams, H. H. Moss, and Pleasant Meadow, are hereby appointed commissioners, who, or any three of whom, may procession said town, and lay off and establish, from the best evidence they can procure, the boundaries of said town, according to the original plan laying off said town; and a report of their proceedings the said commissioners shall return to the clerk's office of the Whitley county court; and the said town shall extend to the limits fixed by the report of said commissioners, and no further. But before the said commissioners shall proceed to execute this act, they shall be sworn, faithfully to execute the duties herein imposed on them, by some justice of the peace of the county aforesaid.

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Commissioners

Approved March 3, 1851.

CHAPTER 355.

AN ACT incorporating the United Baptist Church, in Taylor County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joel C. Durham, Durham Sanders, E. Tandy, and R. S. Collins, and their successors in office, are hereby created a body politic and corporate, by the name and style of the trustees of the regular united baptist congregation of Pleasant Hill church, in Taylor county; and, by that name, shall have perpetual succession, with powers incident to corporations, for the purpose of suing and being sued, and pleading and being impleaded, so far as may be necessary, to protect the rights, titles, property, and privileges of said congregation; and said trustees may take and hold any quantity of land, not exceeding ten acres, for the use and benefit of said congregation.

§ 2. That whenever any vacancy shall occur in said board of trustees, it shall be filled pursuant to the rules and regulations that have been, or may hereafter be adopted by said congregation, and which are not incompatible with the laws and constitution of this state.

Approved March 3, 1851.

CHAPTER 356.

AN ACT to incorporate the Medico Chirurgical Society of the Kentucky School of Medicine, in the city of Louisville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert Peter, Samuel Annan, Ethelbert Dudley, and Henry M. Bullitt, and their successors forever, be and they are hereby constituted a body politic and corporate, under the name and style of the

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medico chirurgical society of the Kentucky school of medicine, in the city of Louisville, for the purpose of improving the members thereof in the knowledge of medicine, and for the general advancement of medical science, through the medium of essays, lectures, and debates, and such other means of investigation, consistent with law, as the said society may deem proper to adopt.

§ 2. The said society, under the name and style aforesaid, shall have a common seal; and shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, within any court of this state; and may receive, hold, and convey property, real and personal, not exceeding ten thousand dollars in value.

§ 3. The said society shall have power and authority to form a constitution, to make by-laws, and to establish any and all rules and regulations for its government and conduct, as it may think necessary, not in conflict with the constitution and laws of this state: *Provided, however,* that said society shall have no power to establish professorships, or confer any kind of degrees.

§ 4. The general assembly hereby reserves the right to alter, modify, or repeal this act at pleasure.

Approved March 3, 1851.

CHAPTER 357.

AN ACT to incorporate the Hancock Manufacturing Company.

Company
formed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a corporation is hereby created, by the name and style of the Hancock manufacturing company; said corporation shall have all the rights, immunities, and powers that may be necessary or fit for the conducting of its business, which shall be the manufacture of glass, wool, cotton, and hemp, in all their branches, in Hancock county. The corporation may purchase and hold real estate, but not more than may be necessary for the conduct of its business.

Capital stock.

§ 2. The capital stock of said company shall not exceed three hundred thousand dollars, in shares of one hundred dollars each. Subscriptions of stock shall be made by persons signing their names to a covenant to take the number of shares placed opposite their names, and to pay to the Hancock manufacturing company the amount thereof. George R. Ghiselin, Samuel McAdams, and George W. Williams, are hereby appointed commissioners, any one of whom may open books, with such a covenant for subscription, in the town of Hawesville, and authorize sub-commissioners in and out of the state of Kentucky, at such places as they may deem advisable, to open books in like

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manner, for said purpose; and when the sum of thirty thousand dollars is subscribed, they may call the subscribers together, who may organize the corporation by the election of a president and two managers.

§ 3. The president and managers shall hold their offices for such time as may be prescribed by the stockholders, and conduct and manage the affairs of the corporation in such manner as the stockholders shall, by their by-laws, direct: *Provided*, such by-laws be not inconsistent with the laws of this state or the United States.

Terms of office of officers.

§ 4. There shall be annual meetings of the stockholders, and oftener, if called by the president and managers, or a majority of the stockholders; and at every such meeting, the officers of the corporation shall, if required, submit a full statement of the affairs, business, and accounts of the company. A majority of stockholders may, from time to time, permit additional stock to be subscribed for, until the whole amount authorized by this act shall be taken. A stockholder may be represented by his proxy, authorized in writing. The president and directors may, from time to time, make such calls on the shareholders as they see fit; and if any stockholder shall fail to pay any call, his stock, or as much as is necessary, may be sold, after thirty days' notice in one of the newspapers of Hawesville or Louisville, at public auction, to the highest bidder; and if, at such sale, the stock does not bring enough to pay the deficit, then the defaulting stockholder shall be bound to make it good; but if the stock shall sell for more than a sum sufficient to pay to the company the whole amount of the defaulter's stock, with the interest and costs, then such excess shall be paid to the stockholder.

Annual meetings of stockholders.

§ 5. Each stockholder shall have as many votes as he has shares, up to ten shares, and one additional vote for every five shares over ten. Certificates of stock shall be issued as the by-laws may direct. The stock shall be personal estate, and transferred on the books of the company, in person or by attorney. The corporation shall have a lien on the stock of any stockholder for any debt he may owe to the company.

Certificate of stock to be issued.

§ 6. Dividends of profits may be declared yearly or half yearly; but no dividend shall ever diminish the capital stock subscribed.

Dividends to be declared.

§ 7. The president and managers shall have the power to employ all such agents as may be necessary for the management of the business, and the same to dismiss at pleasure.

May employ agents, &c.

§ 8. The corporation shall give notice, in one of the newspapers of Hawesville, or Louisville, of the organization of the company under this act.

Notice organization to be given.

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§ 9. The corporation shall continue fifty years, subject to the right in the general assembly to change or repeal this charter at pleasure.

Approved March 3, 1851.

CHAPTER 358.

AN ACT to amend an act, entitled, an act to incorporate the Paris, Winchester, and Kentucky River Turnpike Road Company, approved February 25, 1848.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act to which this is an amendment, be so amended as to authorize the board of directors for Clarke county to erect a turnpike gate whenever the sections of said road now under contract with Yates & Benthall, and Clark & Duffey are completed, and to charge a fair proportionate rate of tolls for the length of road thus completed.

§ 2. In order to raise the means to pay any balance that may be needed, after all the other available funds are exhausted, to complete the said road from Winchester to the Bourbon line, that the board of directors for Clarke county may borrow money, and pledge the said road in said county for the payment of the principal and interest borrowed.

Approved March 3, 1851.

CHAPTER 359.

AN ACT for the benefit of John Clay, of Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years is given to John Clay, former deputy sheriff of Nicholas county, within which he may list with the proper collecting officer the fees and arrearages of tax due him as deputy sheriff aforesaid, and said officer is authorized to distrain for and collect the same: *Provided*, that said Clay shall be liable to the penalties imposed by existing laws for issuing or collecting illegal fee bills.

Approved March 3, 1851.

CHAPTER 360.

AN ACT extending the limits of the town of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the limits of the town of Shelbyville, in Shelby county, be and the same are hereby extended so as to embrace all the lots and lands contained within the following boundaries, to-wit: beginning at a point in the

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centre of the Louisville and Shelbyville turnpike road, east of the present limits of the town, at the intersection of said turnpike and the Aiken's and Brunerstown road; thence south with the Brunerstown road thirteen hundred and fifty feet; thence due east to Clear creek; thence with said creek to the north extremity of tenth street; thence southwest to the corner of lot No. 121, in said town; thence west to the Aikin's road; thence south with said road to the beginning; which said addition to said town shall be subject to the same laws and regulations now in force governing said town.

Approved March 3, 1851.

CHAPTER 363.

AN ACT to change a part of the State Road from Canton to Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the alteration in the state road leading from Canton, on the Cumberland river, to Hickman, on the Mississippi river, made by Joseph Barnet, in Graves county, commencing at the west end of his land and running west for about twenty rods to its intersection with the old road, be and the same is hereby legalized.

Approved March 3, 1851.

CHAPTER 364.

AN ACT to incorporate the Louisville Paper Mill.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John Hulme, John P. Morton, Thomas E. Wilson, and Isaac Cromie, and those who may associate with them as stockholders, and their successors and assigns, are hereby created a body politic and corporate, until the year 1880, by the name of "the Louisville paper mill," for the purpose of manufacturing paper in the city of Louisville, in the state of Kentucky; and, by that name, are hereby made able and capable, in law, to take, purchase, hold, and possess such lands, tenements, goods, chattels, merchandize, and effects as may be necessary for the purposes of said corporation, and the same to sell, convey, and dispose of at pleasure; also, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places; they may make and put in force such by-laws and ordinances as they may deem proper, for the management of said corporation and its fiscal and prudential concerns, and the direction of its officers and agents; may have and use a common seal, and change, alter, and renew the same at pleasure; and may do all acts, matters, and things, for the purpose of car-

Company
formed.

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Capital stock.

rying this act into effect, which corporations for limited purposes may generally do, not inconsistent with the laws and constitution of this state or of the United States.

§ 2. The capital stock of said corporation shall not exceed eighty thousand dollars, and shall be divided into shares of one hundred dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporators may direct. For all stock, when fully paid for, certificates shall be issued, under the seal of the corporation, signed by the president and countersigned by the secretary, which may be transferred on the books of the corporation, in person or by attorney in fact; and the assignee shall be entitled to a new certificate, upon the surrender of the old one; the stock shall be deemed personal estate, pass, descend, and be held as such; and each share shall entitle the holder thereof to one vote in all elections and at all meetings of the stockholders.

Books to be
opened for the
subscription of
stock.

§ 3. Said Hulme, Morton, Wilson, and Cromie, or any three of them, are authorized to open books for the subscription of stock in said corporation, at any time, after giving ten days' notice thereof, in at least one newspaper published in Louisville; and so soon as one hundred shares are subscribed, they may call a meeting of the subscribers, who are shareholders, at such time and place in said city as they may name, after notice delivered to each member, or published as aforesaid, five days previous thereto; and the stockholders shall, at any time, and on the first Monday in January in each year thereafter, elect a board of managers, to consist of a president and three directors, all of whom shall be stockholders to the amount of at least five shares each. The business of the corporation shall be confided to said board of directors; and they may engage in such traffic, and purchase, lease, or erect such buildings and machinery, and employ such agents and laborers as they may deem necessary to carry on said business. The said board shall appoint a secretary and treasurer, and require of each a bond, in such penalty, and with such surety as they may judge sufficient, for the performance of their several duties; and on the first Monday in January, in each year, a full and fair statement of the business of the preceeding year shall be laid before the stockholders by the president of the board; and the board may then pay the profits to the stockholders. It shall be the duty of the board to publish an annual statement of the debts of the corporation, in a newspaper printed in Louisville, if requested so to do by any creditor thereof, but not otherwise.

When to go
into operation.

§ 4. The corporation may go into operation so soon as one hundred shares are subscribed; and the residue of the stock may be sold at such time, and in such manner as the board of directors may determine. The president and directors shall continue in office until their successors are elect-

ed and qualified; and if any member of the board shall die or resign, the remainder shall supply the vacancy for the residue of the term.

§ 5. A faithful record of the proceedings, and correct accounts of the business and operations of the corporation shall be kept, which, with all the papers of the corporation, shall be subject to the inspection of the stockholders at all their general meetings.

Shall keep a record of their acts.

§ 6. The stockholders, three-fourths in amount concurring, may at any time dissolve the corporation, and wind up its business; but the capital stock shall not be reduced by dividing or withdrawing the same, until the debts of the corporation are paid; and said capital stock shall remain liable therefor.

Approved March 3, 1851.

CHAPTER 365.

AN ACT to incorporate Montgomery Lodge, No. 18, of the Independent Order of Odd Fellows.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That O. S. Poston, Charles H. Spillman, W. F. Curry, and Jacob K. Bishop, are hereby constituted a body politic and corporate, to be known by the name of the corporate committee of Montgomery lodge, No. 18, of the independent order of odd fellows; and, by that name shall have perpetual succession, and use a common seal, with power to change and alter the same at pleasure; and, by that name, may sue and be sued, plead and be impleaded, in any action or suit, in any court whatever, and contract and be contracted with.

Members incorporated.

§ 2. That said corporate committee may purchase or receive, by deed of gift, deed of trust, or otherwise, any real and personal property, not exceeding in value ten thousand dollars, and hold the same in fee simple for the use and benefit of said lodge.

May hold real estate.

§ 3. That said corporate committee shall have power and authority, out of the proceeds of any real and personal estate, which shall hereafter belong to said corporate committee, to create and establish a permanent fund, to be called the widows, orphans, and school fund, the principal and interest of which may be appropriated to the purposes of benevolence, as connected with the charities bestowed by said order on widows, orphans, and the education of orphans.

May establish a permanent fund, &c.

§ 4. That said corporate committee shall, after the payment of all the debts of said lodge, have power and authority to establish and maintain such schools or colleges, and library, as said corporate committee may deem expedient; appoint suitable preceptors, and such other officers

May maintain a school, &c.

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as may be deemed necessary to superintend and conduct the same; purchase or receive, by deed of gift, deed of trust, or otherwise, any houses, lands, books, and apparatus, as they may deem necessary to carry on the said school or college, upon such system as the said corporate committee shall hereafter establish.

And control
the same.

§ 5. That said corporate committee shall have power, authority, and control over such school, college, lands, and apparatus, together with the proceeds and profits, and alter, amend, and abolish the said school or college: *Provided*, that the houses, lands, books, and apparatus, together with the proceeds and profits arising therefrom, shall be held for the use and benefit of said lodge, in manner and form as hereinafter directed.

Vacancies,
how filled.

§ 6. That in case of a vacancy in said corporate committee, by death, ceasing to be a member of said lodge, resignation, or removal from Mercer county, said lodge shall have power to elect a member or members of said order, belonging to said lodge, resident in Mercer county, to fill such vacancy or vacancies; who shall have all power and privileges with which the foregoing committee are invested by this act.

When the pow-
er here granted
shall be forfeit-
ed.

§ 6. That when, by ceasing to be a member of said lodge, resignation, or removal from the county of Mercer, a majority of said corporate committee, as allowed in the first section of this act, shall have been vacated for one year and a day, then, and in that case, the title to all real and personal property which may have vested in them by virtue of this act, shall vest in said lodge; and said corporate committee shall forfeit all power and authority conferred hereby.

May enact by
laws, &c.

§ 8. That said corporate committee shall have power to ordain any and all rules and regulations for their government and conduct, as they may deem necessary, not in conflict with the provisions of this act, or of the constitution and laws of this state.

§ 9. That there is hereby reserved to the general assembly the power to alter, amend, or repeal this act at pleasure.

Approved March 3, 1851.

CHAPTER 366.

AN ACT authorizing the sale of certain streets in the town of Glasgow.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Glasgow, be and they are hereby authorized and empowered to sell and convey that portion of Race street, lying south of Brown street, in such manner, and upon such terms and conditions as to them may seem most advisable; and to

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appropriate the proceeds of said sale to, or prescribe, as the condition thereof, the improving, or grading and paving such other street or streets in said town as the interest and convenience of the citizens may require: *Provided*, that said street be not sold for a less consideration than will at least procure the grading, guttering, and paving that part of Brown street between Race street and the turnpike road.

§ 2. That they are, in the same manner, and for the same purposes, authorized and empowered to sell and convey that part of Back street lying between Race street and the turnpike road: *Provided*, the owner or owners of grounds lying adjacent thereto consent to said sale.

Approved March 3, 1851.

CHAPTER 357.

AN ACT to incorporate the Cumberland Presbyterian Church, in the town of Paducah.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joseph S. Hobbs, C. H. Bonnin, and R. M. Searcy, and their successors in office, shall be and they are hereby created a body politic and corporate, by the name of the trustees of the Cumberland presbyterian church, at Paducah; and, in their corporate name, may, for the use of said church, acquire and hold the right and title to one lot of ground in said town, heretofore purchased by said church, and upon which a house for public worship has been erected, and are authorized to sell and convey the same, or any part thereof, whenever a majority of said trustees, or their successors, may think proper, for the use of said church, and vest the proceeds thereof in other grounds for the use aforesaid. They shall have power to do any legal act in changing said ground for the use aforesaid; for the purpose of public worship, or for a grave yard; they shall have power to maintain any action for the safe-keeping and preservation of said lot, and the appurtenances and improvements: *Provided*, that no sale and conveyance of said property, or any part thereof, shall be legal without a concurrence of a majority of the trustees then in office.

§ 2. That in the event of the death, resignation, removal, or refusal to act of any of said trustees, those in office may appoint others to fill such vacancy.

Approved March 3, 1851.

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CHAPTER 368.

AN ACT for the benefit of Alfred F. Gowdy, Clerk of the Taylor County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Alfred F. Gowdy, clerk of the Taylor county court, have two years, from the passage of this act, to issue and collect, or have collected, by distress, any fees due him for services rendered as county court clerk since the first day of March, 1848.

Approved March 3, 1851.

CHAPTER 369.

AN ACT authorizing the trustees of Winchester to sell the public spring lot in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Winchester, a majority concurring, are hereby authorized to sell at auction, for the benefit of said town, the public spring lot in said town, and make to the purchaser a deed of conveyance for said lot; which sale shall be on a credit of six months, the purchaser giving bond with sufficient security, payable to said trustees, for the price thereof, bearing interest from the date, and reserving in said deed a lien on said lot for the payment of the purchase money; but before exposing said lot to sale, they shall fix the minimum price thereof.

Approved March 3, 1851.

CHAPTER 370.

AN ACT to amend the charter of the Covington and Lexington Railroad Company.

City of Cov-
ington may sub-
scribe stock.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the bonds heretofore authorized by law to be issued by the city of Covington to pay for stock subscribed in the Covington and Lexington railroad company, said city is hereby authorized to issue bonds to an amount not exceeding two hundred thousand dollars, payable to said railroad company, to be due and payable within thirty years from the time they shall be issued, to bear interest at the rate of six per cent. per annum, payable semi-annually, and to be transferrable by proper assignment thereon by said railroad company. But before any such bonds shall be issued, the city council shall, in such manner as it shall deem most advisable, ascertain clearly that a majority of the qualified voters of said city are in favor of the issuing of said bonds, and of subscribing their amount as capital stock in said railroad company.

§ 2. That the said railroad company may receive the bonds of said city of Covington, or of any other city, county, or corporation, in payment of stock subscribed for by such city, county, or corporation.

§ 3. That until dividends are declared upon the capital stock of said railroad company, all payments on subscriptions of capital stock already made, or hereafter made, shall bear interest at the rate of six per cent. per annum; and said railroad company shall liquidate the same by issuing to the party entitled to such interest an equivalent amount of capital stock in said company.

Interest to be allowed on payments of stock.

§ 4. That on the first day of January next after the first declaration of dividends on the capital stock of said railroad company, and on every first day of January thereafter, it shall be the duty of the president and directors of said company to pay into the treasury of this commonwealth a tax on each one hundred dollars worth of stock in said railroad company, equivalent to the rate of tax on each one hundred dollars worth of property for state revenue, and no more; and resident stockholders shall not list their stock in said company for revenue tax, nor be liable to payment of tax on the same in any other mode whatever.

Further regulations.

Approved March 3, 1851.

CHAPTER 372.

AN ACT to charter the Louisville Homœopathic College of Medicine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John H. Harney, Edward Caspari, Levi Tyler, William S. Pilcher, D. H. Monsarrat, Jas. Muir, J. Gilman, Andrew McKinley, Henry Tyler, and John M. Delph, trustees, and their associates and successors, are hereby created a body corporate, by the name of the Louisville college of homœopathic medicine; and, by that name, to sue and be sued in all courts of this commonwealth; to have and use a common seal, and the same to alter at pleasure; to appoint all necessary teachers, officers, and agents of said college, and to remove the same for just cause; to fix their salaries; and, for the government of said college in all matters pertaining thereto, to make all needful rules, regulations, and by-laws, with power to said corporation to acquire and hold, for the purposes of said college, property, real and personal, not to exceed thirty thousand dollars, and the same to sell and dispose of as said corporation may deem necessary and proper for the purposes of said college. Said corporation may increase the number of its trustees to not more than fifteen, or not less than five, as the majority of those in office shall determine; and the majority of the trustees in office shall fill

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all vacancies in the board, unless a fund be raised by a stock company, in which event the stockholders may elect the trustees annually from among their number, under such regulations as a general meeting of the stockholders may prescribe, each shareholder casting one vote per share up to five, and one vote for each additional five shares. In appointing the medical teachers, the trustees shall assign to each his chair, regulate his fees, and prescribe the studies to be pursued, and, upon the recommendation of teachers or faculty, confer the degree of doctor of medicine, and grant diplomas in the usual form: *Provided*, that no diploma shall be granted unless the applicant has attended two courses of lectures in some incorporated medical college, and the last course thereof in this, or when the applicant shall have attended one course of lectures in this college, and shall be in respectable medical practice three years next before his application. The general assembly reserves the right to repeal or to amend this act; but the property invested in said corporation shall never be diverted from the purposes herein; but in case this corporation shall be dissolved, the property shall revert to the donors, grantors, and their heirs, except that which shall be raised by stock subscription, which shall be divided, in case of dissolution, *pro rata*, among the stockholders.

Approved March 3, 1851.

CHAPTER 373.

AN ACT incorporating the German Lutheran Presbyterian St. John's Church, in Newport.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George Hofnagle, John Keen, Henry Wise, Henry Ahbring, Adam Snyder, Nicholas Wever, Anthony Gross, and their successors in office, are hereby created a body corporate and politic, by the name and style of the trustees of the German Lutheran Presbyterian St. John's church, in the city of Newport; and, by that name, shall have perpetual succession, with powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, and privileges of said congregation; and said trustees may take and hold any quantity of land, not exceeding four acres, for the use and benefit of said congregation.

§ 2. That whenever any vacancy may occur in the board of trustees, it shall be filled pursuant to the rules and regulations that have been, or may hereafter be adopted by said congregation, and which are not incompatible with the laws and constitution of this commonwealth; and the general assembly reserves the right of changing or repealing this act.

Approved March 3, 1851.

CHAPTER 274.

1851.

AN ACT to incorporate Russellville Division, No. 51, Sons of Temperance.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Russellville division, No. 51, sons of temperance, in Russellville, Logan county, be and they are hereby created a body politic and corporate, by the name and style of Russellville division, No. 51, sons of temperance, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said division; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may now have, or may hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall not at any time exceed twenty thousand dollars.

Members in
incorporated.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to five trustees, and their successors in office, who, or a majority of whom, shall have full power and authority to make all contracts pertaining to the real or personal estate of said division.

Powers of
Trustees.

§ 3. That the trustees of said corporation may have, make, and use a common seal, which they may change or alter at pleasure; and the members of said division may make such by-laws, rules, and regulations, touching the management and control of the real and personal estate belonging to said division, as they, from time to time, may choose: *Provided*, they be not inconsistent with the constitution and laws of the United States or of this state.

May enact by-
laws, &c.

§ 4. That Samuel Mathews, George W. Gray, O. C. Rhea, T. I. Thompson, and John M. Gilbert be and they are hereby appointed trustees, as provided for in section second hereof, and shall hold their offices until the first Saturday in April, 1852, and until their successors are appointed; and it shall be the duty of the members of said division, on the first Saturday in April, 1852, and on the first Saturday in April every year thereafter, to elect five members of their own body to act as trustees for one year, and until their successors are duly elected; and the service of process or notice on any two of said trustees shall be sufficient service and notice for all.

Trustees ap-
pointed.

§ 5. The general assembly hereby retains the power to alter, change, or repeal this act at pleasure.

Approved March 3, 1851.

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CHAPTER 375.

AN ACT to incorporate Hobson Lodge, No. 63, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert F. Pulliam, A. Griggs, T. A. Read, S. C. Purcell, and John C. Thompson, of Scottsville, and their associates and successors, be and they are hereby created a body corporate, by the name and style of Hobson lodge, No. 63, of the independent order of odd fellows; and, by that name, are hereby vested with full power and authority to acquire, hold, use, and enjoy real and personal estate to the amount of five thousand dollars, and to sell, dispose of, and convey the same, or any part thereof, under such by-laws, rules, and regulations as may be by them provided or adopted: *Provided*, they be not contrary to the constitution and laws of this state or of the United States; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and may have and use a common seal, and change or alter the same at pleasure: *Provided further*, that the powers hereby granted shall not be used in banking, insuring property or lives, or in any other way not herein expressly granted. The general assembly reserves the right to alter or repeal this act at pleasure; but not so as to deprive said lodge of its property or money.

Approved March 3, 1851.

CHAPTER 376.

AN ACT to authorize the trustees of Winchester to sell the stray pen, and prescribing the duties of the Clarke County Court in regard to strays.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Winchester be and they are hereby authorized to sell, for the benefit of said town, the public stray pen therein, on such terms as they may deem expedient.

§ 2. That the Clarke county court shall not be bound hereafter to keep a stray pen; but by their order, they shall prescribe the place in said town where strays shall be exhibited on court days.

Approved March 3, 1851.

CHAPTER 377.

AN ACT to amend an act appointing trustees for Moscow Seminary, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of an act, entitled, an act concerning the Clinton female seminary, and Moscow Semi-

nary, in Hickman county, approved March 6, 1850, be and the same is so amended as to add to the said board of trustees the name of R. N. Lester; and that the name "S. B. Sutton," in said section, be so changed as to read S. B. Luton.

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Approved March 3, 1851.

CHAPTER 381.

AN ACT to amend an act, entitled, "an act to charter the Bowlinggreen and Tennessee Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the tax paid by each person who may be required to pay taxes, under the 22d section of the act aforesaid, shall be accredited to such person as stock, or instalments of stock, and shall, for every one hundred dollars so paid, entitle such person to the rights and privileges of a stockholder; and the receipts for taxes so paid shall be legal evidence of such rights, and shall be transferable by assignment; and, when so transferred by one or more persons, shall, for every one hundred dollars, entitle the assignee to all the rights of a stockholder; *Provided, however,* that if such person, so paying tax under said 22d section, is a subscriber for stock in the said company, and has paid the whole, or any instalments thereof, then the receipts of the treasurer of said company, for such payments, shall be received in payment for taxes due and collectable under said 22d section; and receipts for railroad tax shall be received by the treasurer of the company, from subscribers, in payment of stock.

Approved March 7, 1851.

CHAPTER 383.

AN ACT to incorporate the Deposit Bank of Paris, Bourbon county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established the "Deposit Bank of Paris," with a capital of fifty thousand dollars, in shares of fifty dollars each, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style aforesaid, and shall so continue a body politic and corporate until the first day of June, 1880; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters what-

Bank established.

Corporate powers.

1851.

ever, as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy; and the same to sell, convey, and dispose of, all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, (provided the value thereof shall not exceed ten thousand dollars,) or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; and said institution may have and use a common seal, change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules, and regulations for the government of the same as may be deemed necessary: *Provided*, they be not contrary to the constitution and laws of this state or of the United States.

Business of the
bank.

§ 2. That the business of the institution shall be to receive money on deposit, upon which it shall pay an interest to the depositor of not more than six per cent., nor less than two per cent. per annum, as it may choose, dependent upon the length of time for which said deposit may be made; to loan money, discount promissory notes and bills of exchange; the promissory notes made payable to any person or persons, or order, or payable to this institution or order, and negotiable and payable at their banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had, jointly and severally, against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes; and the said institution shall not, directly or indirectly, deal or trade in any thing except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattels, rights and credits really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

Not to owe
more than twice
amount of capital paid in.

§ 3. The institution shall not at any time owe, either by bond, bill, note, or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposit; and, in cases of excess, the president and directors under whose administration it shall have taken place, shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them, or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding:

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Provided, that if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or dissent thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county, and, moreover, within ten days give notice thereof in some newspaper printed in Paris, and transmit a copy thereof to the governor of this state, and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

Penalty for
failing to redeem
its deposits.

§ 4. Said institution shall not, at any time, fail or refuse to pay its deposits in gold or silver, or currency of the like kind and value of that deposited; and, in case the officers, in the usual business hours at their banking house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages, at the rate of twelve per cent. per annum, on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same shall be forfeited, and a *scire facias* shall be sued out in the name of the commonwealth, by the attorney general, and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said institution from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contract that may be convenient and proper for that purpose.

Proceedings
thereon.

Business to be
conducted by
five directors.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of said institution shall be under the direction and control of five directors, who shall be stockholders, and, after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and after the first election they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right. They shall hold their offices for one year, and until their successors shall be chosen. All elections, after the first, shall be conducted by two at least of the stockholders, acting under oath, appointed by the directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public after they are taken. No director or officer of any bank shall be eligible as a director in this institution, and any director be-

Elections, when
to be held.

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Liabilities of
directors.

coming a director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a director in a bank, be eligible as directors in this institution, at one and the same time; and if the president or any director or officer of the institution shall fail or become insolvent after his election or appointment, he shall become incapable to serve, and shall be held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business be eligible to the office of president, director, or other officer, until all his debts are paid, or he be fully discharged therefrom. If, from any cause, an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday in June following; and said election shall be conducted as required in the regular elections.

Right of vo-
ting regulated.

§ 6. That at all meetings of the stockholders, and at all elections under this charter, each shareholder shall be entitled to one vote for every share held in his own right, up to ten; one vote for every five shares over ten, up to fifty, and one vote for every ten shares over fifty. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote, at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy; such proxy being granted to a stockholder who is not either president, director, or other officer in the same; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

President, how
to be elected.

§ 7. That the directors shall elect one of their own number as president, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the directors shall elect a president, *pro tem*. They shall fill all vacancies which may occur in their own body, and appoint such officers, clerks, and servants as deemed expedient; fix their compensation, define their powers and prescribe their duties, and shall require of them such bonds, penalties, and securities as deemed requisite for the security of the institution; which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss; and all such officers shall hold their places during the pleasure of the board.

Directors may
pass by-laws.

§ 8. The president and directors (any three of whom may constitute a quorum for the transaction of business,) may, from time to time, make such by-laws, rules and regulations for the government of the institution as deemed ex-

pedient, not contrary to the provisions of this charter, or the by-laws and rules which the stockholders at their annual or other meetings may, from time to time, prescribe: *Provided*, that for that purpose a concurrence of a majority of all the directors shall be necessary.

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§ 9. The president and directors shall hold stated meetings at least once a week, and called meetings may be had whenever deemed necessary. All questions before the board shall be taken *viva voce*; and the yeas and nays on any proposition submitted shall be entered of record, at the request of any two members; and no vote shall be reconsidered when a less number is present than when the vote was given.

Meetings of the board.

§ 10. It shall be the duty of the president, on the first day of July, 1851, and on the first day of July in each succeeding year, to pay to the treasury of this state twenty-five cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus: *Provided*, that the legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said institution.

Stock to pay tax to the state.

§ 11. That it shall be the duty of the president and directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash accounts of the institution, and a full and complete statement shall be made out and entered on the journal of the proceedings of the board.

Cash to be examined.

§ 12. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the president and directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise.

Officers not to engage in other business.

§ 13. That if the cashier, clerks, teller, agent, or other officer shall, without the authority of the president and directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the books of the institution, with intent to cheat or defraud the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period of not less than two nor more than twenty years.

Penalty on an officer for misapplying the funds.

§ 14. The president and directors shall keep a record of their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open for inspection by the governor, or

Record of proceedings to be kept.

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To make annual return to the general assembly.

by any person duly authorized by him, or to any committee appointed by the legislature.

§ 15. It shall be the duty of the president and directors, during the first week of each session of the legislature, to transmit to the secretary of state an accurate and just statement of the condition of the institution; which statement shall specify the amount of stock actually paid in, the amount not paid in, and the value of the real estate belonging thereto, and its cost; the total amount of debts due to and from the institution; the amount of gold and silver, and other coined metal and bullion on hand; the amount deposited; the amount of bills of banks; the amount of notes and bills of exchange due the same; the rate and amount of each dividend of profits, with the amount of surplus profits or contingent fund; which statement the governor shall cause to be laid before the legislature; and they shall, when required by the legislature, report all bad and doubtful debts.

Directors and officers to take an oath.

§ 16. The president, cashier, and other officers, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

Rate of interest.

§ 17. This institution shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum for the loan or use of money; and interest on promissory notes, negotiable and payable at the same and there discounted; shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's table of discount and interest.

Certificates of stock to be issued.

§ 18. The president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall, by their by-laws, prescribe; certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable, when made payable to order.

General meeting of the stockholders.

§ 19. The general meeting of the stockholders shall be held annually on the first Monday in May in each year, in the town of Paris, at the time of the annual election, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called as provided in this charter, or by the president and directors when they deem it desirable, or by any number of stockholders the by-laws shall require.

§ 20. The legislature shall have the right to investigate the situation and affairs of said institution, by any committee they may appoint for that purpose; and the general court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceedings shall be by *scire facias*, alledging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the attorney general, when directed to do so by the legislature.

§ 21. That Charles Talbutt, Jas. Ingels, Abraham Spears, Geo. W. Williams, William W. Mitchell, Newton B. Rion, William C. Lyle, Noah Spears, sen., and William Talbott, are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the election of the first board of directors, any three of whom shall be competent to exercise the powers and perform the duties required by this section.

§ 22. The said commissioners shall have power, and they are authorized and required, on the second Monday in April next, or at such other time within two years thereafter as they shall deem expedient, having given not less than thirty days' notice thereof in some newspaper printed in Paris, to open books for the subscription of the capital stock of said institution at Paris, and such other places as they may deem advisable, and cause said books to be kept open from 10 o'clock, a. m., until 2 o'clock, p. m., for at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days' notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken; and the president and directors may require such premium on the stock sold at the re-opening of the books as they shall deem right; and such premium shall be the property of the institution.

§ 24. That when not less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Paris for the election of the first board of directors, who shall hold their offices until the succeeding annual election; and

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General assembly may investigate its affairs.

Commissioners to open books.

Their powers and duties.

Books may be re-opened if all the stock be not taken.

When directors may be elected.

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not less than thirty nor more than sixty days' notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath and perform all the duties of inspectors of elections in like cases.

How stock
shall be paid.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations, shall be made in gold and silver, or notes of either of the banks or branch banks in this state, and at the times and in the manner following, viz: five dollars on each share, to the commissioners at the time of subscribing, and five dollars on each share, within ten days after the election of the first board of directors, and five dollars every sixty days thereafter, until the whole amount of said stock is paid: *Provided*, that the board shall have power to prolong the time for the payment of each instalment after one-half of the amount of each share shall have been paid.

How stock may
be forfeited.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock as here-in provided, the president and directors, first giving public notice in two or more newspapers for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed at such time as they may deem expedient to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the institution.

When the bank
may commence
business.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in by individuals, companies, or corporations, as heretofore required, the president and directors shall cause the governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the president and at least two of the directors, that the same has been paid in as capital stock, *bona fide*, and make due return thereof to him; and, on such appearing to be the fact, the governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done; and the said institution is then hereby authorized to commence operations.

Limitation to
subscriptions of
stock.

§ 28. That no one company, individual, or corporation, shall be allowed to hold more than one hundred shares of the capital stock of this institution, either in their own names or in the names of others in order to transfer them; and all stock that any individual, company, or corporation, shall take or hold contrary to this provision, shall be forfeited to the institution for the benefit of the other stockholders; and no individual, company, or corporation, shall be allowed in person or by proxy, to vote at the first election of directors on any stock which may stand in his, her, or their names, without first making oath that the stock

bona fide belongs to them, and is not held in trust for others.

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§ 29. That it shall not be lawful for the president or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institution; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars, to be recovered by action of debt in the name of the corporation, for its own use and benefit.

No director to become security.

§ 30. That said institution shall not make any loan of money or discount any note or bill in any case whatever, for the purpose of enabling any individual to make payment for its own stock; and no stockholder shall be allowed to pay any debt he may owe the same, by the surrender of stock; and stockholders, who shall become indebted to the institution, shall be compelled to pay their debts in all respects as other persons dealing with the same; nor shall any stockholder be allowed to make payment of the shares of stock held by him or them, by means of loan or loans obtained from the institution.

No loans to be made for stock.

§ 31. That the real estate purchased by this institution, or the legal title of which shall be acquired in any way, (except such as may be held for the purposes mentioned in the first section of this act,) shall be sold within five years after it shall have perfected its title thereto; and on their failure to comply with the provisions of this section, the same shall vest in the commonwealth.

Real estate acquired to be sold within 5 years.

§ 32. That it shall not be lawful for said institution to issue any note or bill to be passed and used as currency; and if it shall so presume to do, the charter shall be forfeited, as provided in the fourth section of this act.

No note to be issued as currency.

Approved March 7, 1851.

CHAPTER 384.

AN ACT to amend an act, entitled, an act to amend and re-enact an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved March 4, 1850.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company be and is hereby authorized to be formed, in the manner hereinafter directed, for the purpose of constructing a railroad, with a single or double track, as the president and directors of said company may choose and direct, from the town of Henderson, on the Ohio river and in the state of Kentucky, to the line of the states of Kentucky and Tennessee, in the direction to the city of Nashville. The said railroad to strike the said state line at such point, in the general direction to the city of Nashville, as the president and directors of said company, or a majority of them, may determine;

Company incorporated.

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and to be continued through the state of Tennessee to such point, at or near the city of Nashville, as the said president and directors, or a majority of them, may designate, at any time after the general assembly of the state of Tennessee shall concur in and enact this charter as a law of the state of Tennessee, together with such amendments hereto as shall have been previously enacted by the general assembly of the commonwealth of Kentucky.

Name and style
and corporate
powers.

§ 2. The said company, when formed as authorized herein, shall be a body politic and corporate, by the name and style of "the Henderson and Nashville railroad company;" and, by that name and style, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places; with power to acquire, hold, use, possess, and enjoy all such real and personal estate as shall or may be necessary for the construction, preservation and repair of said railroad, warehouses, depots, machine shops, and other fixtures or conveniences necessary for the construction, preservation, and repairs of said railroad; and all such locomotives, cars, vehicles, tools, machines, and other property and fixtures as may, in the opinion of a majority of the president and directors of said company, be necessary or proper to put and keep the said railroad in successful operation; may have and use a common seal, and break, alter, or renew the same at pleasure; may make such by-laws, rules, and regulations as may be necessary and proper for the construction, repair, preservation, and use of said railroad: *Provided*, such by-laws, rules, and regulations be not contrary to the constitution of the United States, or the constitution and laws of this state; and shall have, enjoy, and exercise all the powers, rights, and privileges which other railroad corporations in this state may lawfully have, enjoy, and exercise; and shall have perpetual succession of members, by the name and style aforesaid.

Capital stock.

§ 3. The capital stock of the said Henderson and Nashville railroad company shall be one million and a half of dollars, divided into fifteen thousand shares, of one hundred dollars each, which may be subscribed for by any of the states of the American union, or by any corporation, company, or individual in the United States or Europe; and as soon as one thousand shares of the capital stock of said company shall be subscribed, the subscribers of said stock, or their successors or assigns, shall be and they are hereby declared to be incorporated into a company, for the purpose aforesaid, and under the name and style aforesaid, and shall proceed to organize, as such, in the manner hereinafter prescribed.

Commissioners.

§ 4. That David Banks, James Alves, James E. Rankin, Joel Lambert, William Brewster, Willie Sugg, Hull Higginson, J. M. Stone, and James Wilson, in the county of

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Henderson; Samuel Woodson, Ambrose G. Gordon, Willis Younger, B. F. Wilkins, Absalom Weir, Sanford B. Ruby, and J. P. Cook, in the county of Hopkins; Hon. B. Shackelford, Dr. F. G. Montgomery, Thomas J. Hawkes, R. L. Waddill, John P. Campbell, and Rufus R. Lansden, in the county of Christian; John T. Bunch, Finis E. McLean, H. G. Petree, E. G. Sebree, Dr. Henry Sullivan, and Isaac Harrell, in the county of Todd; Marmaduke B. Morton, John B. Bibb, John B. Peyton, H. Q. Ewing, Dr. W. Poor, and Eli Orenduff, in the county of Logan; Hon. M. A. Martin, Edward Howard, Thompson Anderson, Wesley Wheeler, and Peter Peacher, in the county of Montgomery, Tennessee; Col. Ephraim H. Foster, Dr. John Shelby, John P. Johnson, Col. Mat. Martin, and W. B. A. Ramsay, in the city of Nashville; and such other persons, in or out of this state or Tennessee; or in their respective counties, as any three of the persons above named as commissioners, may, from time to time, designate and appoint, be and they are hereby appointed commissioners, under the direction of whom, or any three of them, or any persons appointed by them, or any three of them, as aforesaid, either in or out of the states of Kentucky and Tennessee, in each of the counties and city aforesaid, or at any other place or places, either in or out of the United States, books may be opened, and subscriptions may be received to the capital stock of the Henderson and Nashville railroad company, hereby incorporated; and they, or any three of them, may cause books to be opened, and subscriptions to said capital stock to be received at such times and places, either in or out of the states aforesaid, or in or out of the U. States, as they, or any three of them, may, from time to time, direct, after having, in all cases, by printed notices in one or more public newspapers, and in any other way which they may choose, given such notice of the time and place of opening books and receiving such subscriptions of said stock as they may deem proper; and after the first opening of said books, they may continue them open for such time, and adjourn to such places, and open new books at such other places as the said commissioners, or any three of them, may deem expedient. And if such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or any three of them, may cause said books to be re-opened, and kept open from time to time, and at such places, either in or out of the United States, or both, as may seem to them expedient, for the space of time hereinafter designated, after it shall be ascertained, as hereinafter directed, that one thousand shares of said capital stock have not been subscribed: *Provided*, that any subscription to the said capital stock, tendered at any time or place other than those advertised by the commissioners, as aforesaid, if accepted by

Their powers
and duties.

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them, shall be as valid against the party subscribing as if received at the time and place advertised; and if any of said commissioners shall die, resign, or refuse to act, or, by removal or otherwise, become unable to act in the county or place for which he or they may have been appointed herein, during the continuance of the duties devolved upon them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them, of the county or place for which the said commissioner, so not acting, was appointed a commissioner; or the remaining commissioners may, at their option, act without filling the vacancy occasioned as aforesaid.

Notice of time
& place of open-
ing books to be
given.

§ 5. That the time and places of opening the books and receiving subscriptions to the capital stock of said company shall be advertised in one or more of the public newspapers printed in the city of Nashville, or in either of the towns of Russellville, or Hopkinsville, or Clarksville, or Henderson, which may be selected by each separate set of commissioners, and otherwise made public, if any three of the commissioners shall choose to do so, for at least thirty days before the books are opened, and subscriptions for the capital stock in said company received; and any two of the above named commissioners for the above named counties and city of Nashville, or any two of such persons as may be appointed by them for that purpose, shall, at each of the places in the said counties and city of Nashville, named in the advertisements aforesaid, and also on the days therein specified, and at such other places as any three of the commissioners above named may designate and advertise for the time aforesaid, in any public newspaper printed at such place or places, or elsewhere, open books and receive subscriptions to the capital stock of the said company, and give receipts for the money or notes which may be paid or given on the amount of stock subscribed for by each subscriber; and on each share so subscribed, shall demand, receive, and receipt for, as aforesaid, the sum of five dollars, as the first instalment on the share.

Time of open-
ing books in
Nashville to be
fixed.

§ 6. The time of opening the books and receiving subscriptions to the capital stock of said company, in each of the counties above named, and in the city of Nashville, shall be fixed, and, together with the place where they are to be opened, advertised as aforesaid, at the option and by the action of the set of commissioners, or a majority of them, appointed as aforesaid, for each of the counties aforesaid, and the city of Nashville; each set of commissioners, in this particular, acting separately for their own county and city; and the failure to open the books, as aforesaid, by one or more of said sets of county or city commissioners, shall not vitiate or annul the action of such as shall open books as aforesaid, nor prevent the organization of the said railroad company under this charter.

§ 7. When the books for the subscription of the capital stock of said company shall have been opened, as aforesaid, they shall remain open until at least one thousand shares of the said capital stock shall have been in good faith subscribed, and the first instalment thereon paid or secured, by the subscribers, as directed by this act. But if the said one thousand shares of capital stock shall not have been subscribed for, and the first instalment thereon paid or secured, by the first day of January, in the year 1854, then this charter is to be utterly void and of no effect; and the money or notes paid on so much stock as may have been subscribed for, shall be returned by the commissioners receiving it to the subscribers, after deducting therefrom ratably, all the expenses of advertising, printing, and other charges fairly and necessarily incidental to, or growing out of the efforts of the commissioners, or their agents, to cause said stock to be taken; and the subscribers, on receiving the same, shall return to the commissioners their receipts.

§ 8. When any set of county or city commissioners, in either of the counties of Henderson, Hopkins, Christian, Todd, or Logan, in the state of Kentucky, or the county of Montgomery or city of Nashville, in the state of Tennessee, who shall have actually opened books for the subscription of the capital stock in said company, and who shall have, in good faith, actually sold at least one hundred shares of said capital stock, shall, at any time after the books for subscription of said stock are opened, as aforesaid, ascertain, by correspondence or otherwise, that not less than one thousand shares of the said capital stock have been in good faith subscribed for, in the counties and city aforesaid, taken together, it shall be the duty of any three of said county or city commissioners aforesaid, who shall have ascertained that one thousand shares of said capital stock have been subscribed for, as aforesaid, to notify, in writing, the commissioners aforesaid for the county of Henderson, Kentucky, of that fact; and it shall be the duty of the said commissioners for the county of Henderson, or any three of them, when thus notified, or when, in any other way, they shall ascertain that not less than one thousand shares of the said capital stock have been subscribed for, as aforesaid, to appoint a day for the meeting of a central commission, to be composed of two persons selected by each set of county and city commissioners aforesaid, from their respective bodies, and to notify the commissioners aforesaid, for the counties and city aforesaid, of the day and place of meeting of the central commission, and request them, respectively, to elect their commissioners, in said notice; which said notice shall be sent, by mail or other certain conveyance, to each set of commissioners for the counties and city aforesaid, at least twenty days before the

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How long to
remain open.

When 1000
shares are sub-
scribed, central
commission to
be formed to as-
certain the fact.

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day appointed, as aforesaid, for the meeting of said central commission; and the said central commission shall meet on the day appointed, as aforesaid, in the town of Madisonville, in Hopkins county, Kentucky; and they, or any three of them, shall ascertain, by an examination of the certified copies of the stock books herein provided for, whether one thousand shares of the capital stock aforesaid have been subscribed for; and if the said one thousand shares of said stock have been subscribed for, as aforesaid, it shall be the duty of the said central commission, any three of whom may act, to publish a certificate of this fact, signed by at least three of them, in one newspaper printed in the city of Nashville, and one printed in each of the towns of Henderson, Russellville, and Hopkinsville, and to deposit a duplicate thereof, signed as aforesaid, in the office of the secretary of state of both the states of Kentucky and Tennessee; and the said central commission, or any three of them, shall appoint a day and place for the stockholders to meet by themselves or proxies, and elect ten directors for said company; and the said central commission shall publish the time, place, and object of the said meeting of stockholders, in each of the newspapers aforesaid, for at least four weeks preceding the day of meeting aforesaid. But if the said central commission shall ascertain, at their said meeting, that one thousand shares of the said stock have not been, in good faith, subscribed for, they shall publish this fact in the newspapers aforesaid; and the said stock books shall remain open until they are closed under the seventh section of this act; and whenever, before the books are so finally closed, it shall be ascertained, as aforesaid, that one thousand shares of stock in said company have been subscribed for, as aforesaid, it shall be the duty of each set of county or city commissioners aforesaid, and of the commissioners for the county of Henderson aforesaid, and of the central commission aforesaid, to act in all respects as is required in this section, so as to effect the organization of the said company. And it shall be the duty of each set of county and city commissioners aforesaid, whenever, from time to time, they shall be thereunto required by any three of the commissioners for the county of Henderson aforesaid, to make out and certify true copies of their stock books aforesaid, and also the amount which has been paid to them upon the stock so subscribed, and where the same has been deposited, and send said copies, certified as aforesaid, to the said Henderson commissioners, who shall furnish them to the said central commission whenever they shall meet as aforesaid.

Payment of
subscriptions.

§ 9. That every corporation, company, or individual, who shall subscribe for stock in the railroad company hereby authorized, shall, at the time of subscription, pay to the commissioners, or to their agents, appointed as aforesaid;

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five dollars, as the first instalment upon each share of stock so subscribed for, either in money or a note, well secured, negotiable and payable at some solvent bank in the state of Kentucky or Tennessee, given to the Henderson and Nashville railroad company, and payable on demand of the president and directors of said company, or their agents, or order: *Provided*, that no payment shall be demanded of such notes until at least thirty days public notice thereof shall have been given, by advertisement in at least one newspaper published in the city of Nashville, and in each of the towns of Henderson, Hopkinsville, Russellville, and Clarksville; and such advertisement shall be, in law, a sufficient demand to authorize said railroad company to maintain an action on all or any of the notes aforesaid: *And, provided further*, that it shall be at the option of the subscriber to pay such first instalment on each share of his stock, either in money or a note, as aforesaid; and the commissioners receiving such subscription, may approve or reject the note and the security given, as aforesaid.

§ 10. That so soon as the board of directors shall be elected by said stockholders, it shall be the duty of all the commissioners or agents who have received subscriptions for stock, as aforesaid, to deposit all the money and notes received by them, as aforesaid, to the credit of the Henderson and Nashville railroad company, in some incorporated bank which redeems its notes in specie; or in default thereof, such delinquent commissioners may be sued therefor by the said company, and the said money and the amount of said notes recovered; or the said commissioners, or their agents, shall dispose of the same as hereinafter directed and required.

Duty of com'rs
when directors
are elected.

§ 11. The affairs of said company shall be managed and directed by a board of ten directors, to be elected by the stockholders as herein provided for, and who shall elect a president of said company from their own body, in such manner as the regulations of the company may prescribe; and said president and directors shall hold their offices for one year, and until their successors shall be duly elected by the stockholders. The board of directors may fill up all vacancies which may occur in their own body during the period for which they were elected, and, in the absence of the president, may fill his place by electing from their own number a president *pro tempore*.

Who to control
said corporation

§ 12. At the time and place appointed and advertised by the central commission, as aforesaid, for a meeting of the stockholders to elect directors, it shall be the duty of the stockholders to meet in person or by proxy, and to elect the directors of the company, and to enact all such regulations, rules, and by-laws as may be necessary for the government of the corporation, and the transaction of its business. At this meeting of the stockholders, and at

May enact by
laws, &c.

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the election of directors aforesaid, any two of the county and city commissioners, hereinbefore named, shall preside, examine the poll-book, and give their certificates of election as directors to the ten persons who have the highest number of votes; which certificates shall be sufficient evidence of their election; and the result of each election, and every regulation, rule, or by-law adopted or enacted by the stockholders, at any and every such general meeting of the stockholders as is herein provided for, shall be recorded in a well-bound book, which shall be kept by the board of directory, and shall be open to the inspection of all the stockholders, and which shall be produced in obedience to the proper process emanating from any court of justice in the states of Kentucky or Tennessee. The stockholders, at their first meeting aforesaid, and also at each subsequent meeting held for the purposes aforesaid, shall, by resolution or otherwise, appoint the time and place of holding their next subsequent meeting for the purposes aforesaid; and after the first meeting, the regular meetings of the stockholders, for the purposes aforesaid, shall occur annually. But if the time of any such regular meeting should pass without such meeting occurring, and without any election of directors, the corporation shall not thereby be dissolved; but it shall be lawful for the president and directors, or a majority of them, to appoint and advertise, as aforesaid, another day for the election of directors, as aforesaid, and to hold their offices until their successors are duly elected and enter upon the discharge of their duties. And the president and directors, or a majority of them, are hereby invested with full power to call a meeting of the stockholders at any time; but the time and place of holding every meeting shall be advertised previously at least four weeks in two or more public newspapers printed and published in the towns or cities along or nearest to the proposed line of the road.

When company may be organized.

§ 13. When at least one thousand shares of the capital stock of the said railroad company shall be subscribed, as aforesaid, and when the said central commission shall have met and acted, as aforesaid, and when the stockholders in said company shall have met and elected directors, as aforesaid, the said Henderson and Nashville railroad company shall be considered as formed and organized as a body politic and corporate, in law and in fact; and shall and may exercise, by their president and directors, or by the stockholders, all the rights, privileges, powers, and duties conferred by this charter upon the said stockholders or company, or conferred upon their president and directors by this charter, or by the rules, regulations, or by-laws adopted or enacted by the stockholders at a regular or called meeting, as aforesaid, not inconsistent with any of the provisions of this charter, nor with the constitution and

laws of the states of Kentucky or Tennessee, or of the United States.

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Contracts.

§ 14. All contracts, agreements, or other writings, signed or authenticated by the president, with or without the seal of the said corporation, and ratified as hereinafter provided, shall be valid and binding on the company; and all deeds or other writings conveying, or contracting to convey to the company, lands, or the right of way, timber, stone, or any other material, or any fixture, implement, machine, locomotive, or other thing which is necessary to, or which may facilitate the construction and use of the said railroad, and all verbal contracts and agreements in reference to the construction and use of the said railroad, accepted and received by the president, or made by him, and ratified as hereinafter provided, shall be valid and binding on the said company: *Provided*, that the stockholders may, by a rule or by-law, enacted by them at any of their meetings, require the concurrence of any number of the directors, or throw any other guards around the president in the exercise of the powers conferred upon him in this charter, which to them may seem proper or best calculated to protect the company from loss or injury by the unskillfulness or fraud of the president, or the abuse of the powers hereby vested in him; and all writs, subpoenas, notices, and other legal process against the company, shall be served or executed on the president.

Stock may be paid for in work or materials.

§ 15. It shall and may be lawful for the president and directors of the said company, or any of the commissioners aforesaid, by themselves, or by agents appointed by said commissioners, as aforesaid, or by the president and directors, to receive subscriptions to the capital stock of the said company, payable in whole or in part in work and labor upon the said railroad, or its locomotives, cars, depots, or fixtures, or payable in iron, timber, or other materials necessary in the construction of the road, at such prices, and on such terms and conditions as a majority of the commissioners receiving said subscription, or the board of directors may approve: *Provided*, that the corporation, company, or person subscribing for capital stock, payable as aforesaid, in whole or in part, in work and labor, or materials, shall, if required by the commissioners or president and directors, give such security for their compliance with the terms of their said subscription as the said president and directors shall deem amply sufficient: *And, provided further*, that the first and second instalments, of five dollars each, herein required to be paid on each share of stock subscribed, as aforesaid, shall be paid, the first in money or a negotiable note, as hereinbefore provided for, and the second in money, as herein provided: *And, provided*, that the president and directors, after the company is organized, may, at their

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option, receive any subscriptions payable altogether in labor or materials.

How stock to
be paid in.

§ 16. The board of directors may call for the payment of ninety-five dollars on each share of the stock, in sums not exceeding five dollars, in every sixty days, except that after eighty dollars have been paid on each share, the remaining twenty dollars may be called for in two instalments, which shall be at least sixty days apart; or the payment may be called for in smaller sums, and at more distant periods, so as to suit the exigencies and wants of the company. The call for each instalment shall be advertised in one or more newspapers published at Nashville and Henderson, and at such other places as the president and directors, or the rules of the company may direct, at least one month before the same is to be paid. A default in the payment of any instalment, so called for as aforesaid, shall induce a forfeiture of the share or shares on which such default shall be made, and all payments previously made thereon, and the same shall vest in and belong to the company, and may by them either be re-sold, or, at the option of the board of directors, be restored to the owner or owners on payment of all arrears on such shares, and six per cent. interest thereon; or, instead of enforcing said forfeiture, the president and directors may sue the delinquent stockholders, and recover the instalments which may be due and unpaid upon their said shares.

Stock trans-
ferable.

§ 17. The stock in said company may be transferred in such manner and form as may be directed by the by-laws of the company; and if any certificate of stock be lost or destroyed, the president and directors shall renew it, upon satisfactory proof of its ownership, and its loss or destruction.

Capital stock
may be increas-
ed.

§ 18. The said company may, at any time, increase its capital, if necessary, to a sum sufficient to complete the said road, or its branches, and stock it with every thing necessary to give it full and the most perfect operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, on the mortgage of its charter and its works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting.

First meeting.

§ 19. That at the first general meeting of the stockholders, at least five hundred shares of the stock actually subscribed for, as aforesaid, shall be represented by the stockholders, either in person or by proxy; and the same law shall apply to every other general meeting, until the company, at such a meeting, shall enact a by-law or rule changing it, which they are hereby authorized to do.

Qualification
of president and
directors.

§ 20. No person but a citizen of the United States, who is the *bona fide* owner, in his own right, of at least ten

shares of stock in the said railroad company, which he shall have owned and held at least three months previous to his election, (except at the first election,) shall be competent to serve, or be elected to the office of president or director of said company; nor shall any stockholder be permitted to vote, in person or by proxy, at any general or other election, (except the first,) who shall not have held, in his own right, the share or shares on which he offers to vote, at least three months previous to such election.

§ 21. Any or every stockholder in the company may vote by proxy; but every proxy or agent, to vote, must be a resident citizen of the United States, and, before he votes, may be required by any stockholder to swear that, to the best of his knowledge and belief, the stock which he votes, *bona fide*, belongs to the person whom he represents. Before any stockholder votes in his own right, or as executor or administrator of an estate, or as guardian for infants, or trustee for another, he may be required by any stockholder to swear that he is the *bona fide* owner of the said stock in his own right, or as the legal representative of the estate, infant or infants, or *cestui que* trust, whom he represents, and that no person but himself and co-representatives, or trustees, or guardians, if any, and the estate, wards, or *cestui que* trust aforesaid, is directly or indirectly the owner of any part or the whole of said stock, to the best of his knowledge and belief; and upon taking this oath, either upon being required as aforesaid, or voluntarily, he shall be permitted to vote the stock of which he is the representative or trustee, as aforesaid. And any state of the American Union holding stock in said company, may vote such stock by such person as the legislature or governor thereof may appoint, or as may be appointed in pursuance of the laws of the state holding said stock.

§ 22. In the election of directors, and in voting on all questions which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, shall be entitled to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than

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Manner of voting at elections.

Ratio of representation of stock.

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thirty-four nor more than forty shares, to ten votes ; and the owner of every ten shares above forty shall be entitled therefor to one additional vote for said ten shares : *Provided*, that no individual, company, corporation, or states holding stock in said company, shall be entitled to more than two hundred votes, and one vote for every fifty shares over three thousand shares. Any person, being a stockholder, who may offer to vote as a proxy, may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy.

When directors
are elected, the
Commissioners
shall cease to
act, &c.

§ 23. After the said company shall have been formed and organized as a body politic and corporate, as aforesaid, and after the board of directors and president of the company shall have been elected, as aforesaid, the commissioners hereinbefore appointed to receive subscriptions for the capital stock in said company, and all agents, &c., appointed by them for that purpose, shall cease to act as such, and shall deliver over, forthwith, to the president and directors of the said company all the original subscription books for stock in said company, and all papers relating to the affairs of the same ; and shall pay over to said president and directors all such money, bank notes, or individual notes, as may have been received by them, as aforesaid, as payments upon stock subscribed for, as aforesaid, except so much as has been expended by them for advertising, &c., as aforesaid ; or, in default thereof, all or any of said books, papers, money, bank notes, or individual notes, may be recovered by suit, which may be instituted by said president and directors, in the name of the said company, in any appropriate court, either in or out of the state of Kentucky or Tennessee, against the delinquent commissioners or agents. And after the said company shall be organized and formed, as aforesaid, all the rights, duties, and powers herein conferred upon the commissioners aforesaid for opening books, and receiving and procuring subscriptions for the capital stock in said company, and for appointing agents, &c., for that purpose, are hereby conferred upon and vested in the president and directors of said company, together with such additional and other powers, rights, and duties as are in this charter, or may be by the rules, regulations, and by-laws of the company, conferred or vested in them ; and the said president and directors may, by themselves or their agents, open books, under the regulations above herein prescribed for the commissioners, for the subscription of said capital stock, and keep them open, or close them and open them again at their option, at any place or places, either in the United States or Europe, until the whole amount of capital stock authorized by this charter, or necessary to complete the said railroad and its

branches, and put and keep the same in successful and energetic operation, shall be subscribed as aforesaid; and then the said books for the subscription of stock shall be finally closed, and forever remain closed.

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§ 24. The president and directors shall, once in every year at least, make a full report on the state of the company and the state of its affairs, including the progress in constructing the road, to a general meeting of the stockholders, and oftener, if directed by a by-law; and shall have power to call a general meeting of the stockholders, when the board may deem it expedient; and the company may provide, in their by-laws, for occasional meetings being called, and prescribe the mode thereof, and the company may provide, by a by-law, for the votes of the stockholders for directors being taken at more than one place; also, for taking their votes on any question relative to the repeal, alteration, amendment of, or addition to any of the rules, regulations, or by-laws of the company, proposed by the board of directors.

To make annual reports, &c.

§ 25. No member of the board of directors, or officer or agent of the company, shall be, directly or indirectly, interested in any contract for work; nor shall any director vote on the passing of any bill or act for materials, in which he is directly or indirectly interested or concerned; and every director, officer, or agent of the company, who shall violate this provision, during his or their continuance in office, may be removed from the board, his office, or employment, by vote of the directors.

Directors not to be contractors.

§ 26. The stockholders, at any general or called meeting, may pass rules, regulations, and by-laws prescribing and defining the powers and duties of the president, and all other officers of said company; may designate their number, or confer this last power upon the president and directors; and may enact such rules, regulations, and by-laws as will best secure the faithful and effective performance of all the duties devolved upon the president, and other officers, agents, or servants of the company, by this charter, or by the rules, regulations, and by-laws of the company, enacted as aforesaid.

Powers of stockholders.

§ 27. The board of directors shall not exceed, in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board; and in case they should do so, the president and directors who shall be present at the making, or confirmation, or approval of any and every such contract by the board, exceeding the amount aforesaid, shall be jointly and severally liable for the excess, either to the contractor or contractors, or the corporation: *Provided*, that any one or more of the said president and directors may discharge himself or themselves from such liability, by voting against such contract or contracts,

Limit of contracts.

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Contracts to
be signed by the
president.

and causing such vote to be recorded on the minutes of the board, or by giving notice thereof to the next general meeting of the stockholders.

§ 28. No contract of any kind, character, or description, by which the company shall be bound to pay any sum of money, or part with any right, or property, or estate, shall be valid or binding on the company, or shall be signed by the president, unless the same shall be either made, confirmed, or approved by a majority of the board of directors, or made in pursuance of authority expressly delegated by them; and these facts shall appear upon, and be inserted in every such contract, before it shall be signed and authenticated by the president.

Construction
of the road.

§ 29. The company shall have power, and may proceed to construct, as speedily as their means will permit, a railroad with one or more tracts, to be used with steam, animal, or other power, from such point in, or adjacent to the town of Henderson, aforesaid, as the president and directors may designate and select, and along such route as they may deem best, to the line between the states of Kentucky and Tennessee, and to strike said line, in the general direction between the town of Henderson and the city of Nashville, in Tennessee, at such point as the president and directors may choose. But the route of said railroad, and its termini at or near Henderson and the state line aforesaid, after they have been determined upon by the president and directors, as aforesaid, may be changed or controlled by the stockholders at a general meeting. And if the general assembly of the state of Tennessee shall enact this charter into a law of that state, with only such modifications as are rendered necessary by the constitution of that state, and as may be assented to by the president and directors, and also by the stockholders, at a general meeting after the corporation is organized and formed, as aforesaid, under this act, within the limits of the state of Kentucky, then and in that event the company shall have power, and may proceed to construct and continue said railroad along such route as may be selected and determined upon by them, in the manner aforesaid, from its terminus aforesaid, at the line between the two states aforesaid, through the state of Tennessee, and terminate it at such point as they may designate, in the manner above prescribed, convenient to the city of Nashville: *Provided*, said company shall have the privilege of crossing the Cumberland river, and conveying to the city, from their terminus aforesaid, freights and passengers in cars drawn by animal power: *And, provided*, that the failure or refusal of the general assembly of the state of Tennessee to enact this charter into a law of that state, on the terms aforesaid, or of the company to assent to any law which said legislature may pass, as aforesaid, shall in

nowise prevent the construction of this road within the limits of Kentucky, as aforesaid, under this charter.

§ 30. The said railroad, when finished, shall form continuous lines between the town of Henderson and its terminus in the state line, or at the city of Nashville, under the provisions aforesaid; and the company, before the whole shall be completed, may use any section or part of the railroad by them to be constructed, as aforesaid, subject to the rates of charge hereinafter mentioned.

To form continuous lines between Henderson & Nashville

§ 31. The said company may construct branches of their road, after the main road is finished, by and with the consent of the legislature of the state of Kentucky, and of the legislature of Tennessee; but the consent of this latter state shall only be necessary upon her concurrence in this charter, on the terms and conditions aforesaid: *Provided*, that such branches shall not conflict with any chartered rights existing at the time of their construction: *And, provided*, that they shall be attended with no exclusive privileges, except the exclusive right of transportation of goods, wares, merchandise, produce, freight of all kinds, and persons thereon, subject to the rates and charges hereinafter mentioned; and except that the said company shall have the right to assent to, or prevent any other railroad company from uniting their road, or any branch thereof, with any of the branches hereby authorised to be constructed, except upon conditions which shall be approved by this corporation: *And, provided*, that this company shall have, for the construction and use of said branches, all the rights of acquiring and holding real estate, the right of way, and other property, and all other rights and powers which are herein conferred upon them for the construction and use of their main road: *And, provided also*, that nothing in this act shall prevent the state, through which any part of the said main road, or its branches, may pass, from establishing rights of way across such main road or branches.

Branches may be constructed.

§ 32. The said company shall have the exclusive right of transportation or conveyance of persons, goods, wares, merchandise, produce, coal, timber, and freight of all kinds, over said railroad and its branches, by them to be constructed, as aforesaid: *Provided*, that the charge for the transportation or conveyance of freight shall not exceed thirty-five cents per hundred pounds for bulky articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and in the same proportion for shorter distances, and five cents a mile for every passenger: *And, provided*, that said company may, when they think proper, farm out their right of transportation on said road, or any of its branches, subject to the rates aforesaid of charge for freight or passengers.

Company to have the exclusive right to the use of the road.

§ 33. The said company, and every person who may have received from them the right of transportation of

To be common carriers.

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freight of all kinds over said road, or any of its branches, as aforesaid, shall be deemed and taken to be common carriers as respects all such freight of every kind as may be entrusted to them for transportation.

May invest
funds.

§ 34. It shall be lawful for the president and directors of said company, from time to time, to vest so much or such parts of their capital, or their profits, as may not be required for immediate use, and until it may be so required, in any profitable stocks: *Provided*, the sums so invested shall at no time exceed one-half million of dollars.

Property which
they may hold.

§ 35. The said company may purchase, have, and hold, in fee simple or for a term of years, any lands, tenements, or hereditaments, which may be necessary for the said road, or any branches or appurtenances thereof, or for the erection of machine shops, depots, offices, storehouses, houses for the officers, servants, or agents of the company, or for workshops or founderies to be used for the company; or for procuring timber, stone, or other material necessary to the construction of the road, or its branches, or its apparatus, locomotives, cars, or machines; or for the successful and profitable use of the road or its branches, or for transportation thereon; but for no other purpose whatever.

May cross roads
rivers, &c.

§ 36. The company shall have the right, when necessary, to conduct the said railroad, or any branch thereof, across or along any public road or water-course: *Provided*, the said road and the navigation of such water-course shall not be obstructed thereby.

May purchase
roads or bridges

§ 37. The said company may receive, by gift or purchase, have and hold, use and enjoy any bridge, turnpike, or other road, over which they may deem it necessary to carry their said railroad, or any of its branches; and, when such gift or purchase is made, may hold such bridge, turnpike, or other road, on the same terms, and with all the rights and privileges which may belong to the individual, individuals, company or corporation, county or state from which such gift or purchase may be made: *Provided*, that the company shall not obstruct any public road, without constructing another as convenient as may be.

Condemnation
of land, &c.

§ 38. Where any lands or right of way may be required by the said company, for the purpose of constructing and using their said road, or any of its branches, or for want of any fuel or water station thereon, and for want of agreement as to the value thereof, or, from any other cause, the same cannot be purchased or procured by gift from the owner or owners, the same may be taken at valuation, to be made by five commissioners or a majority of them, to be appointed by any court of record having common law jurisdiction in the county, town, or city, or district where some part of the land or right of way is situated; and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impar-

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tionally to discharge the duties assigned them in making the said valuation. The commissioners shall take into consideration the loss or damage which shall accrue to the owner or owners, in consequence of the land or right of way being taken or surrendered, and also the benefit or advantage that the owner or owners may receive from the construction or establishment of the railroad, or any branch of it, or its works, and shall particularly state the nature and value or amount of each; and the excess of the loss or damage, over and above the benefit and advantage to the owner or owners, shall form the measure of valuation of the said land or right of way. The proceedings of the said commissioners, accompanied with a full description of the land or right of way shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the said valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith; which valuation shall be made on the principles hereinbefore prescribed, in the same term or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted on the return to the court of the verdict of the jury aforesaid; and the parties shall either of them have the right of appeal to the supreme court, or court of appeals. The party appealing shall be governed, in all respects, by the laws regulating appeals in the state where said case or cases may be tried. And the lands or right of way, so valued by the commissioners or jury, shall vest in said company, in fee simple, so soon as the amount of said valuation shall be paid or tendered to the said owner or owners. When there shall be an appeal, as aforesaid, by either of the parties from the valuation of the commissioners or jury, the same shall not prevent the road, or branches, or works connected therewith, intended to be constructed, from proceeding; but when the appeal is taken as aforesaid, the company shall be at liberty to proceed in their work, only on condition of giving to the opposite party a bond with good security, to be approved by the clerk of the court where the valuation is returned, in such penalty as said clerk may fix, conditioned for the payment of the valuation and interest, in case the same be sustained; and, in case it be reversed, for the payment of the valuation thereafter to be assessed by the jury and confirmed by the court.

§ 39. In the absence of any contract or contracts with the said company in relation to the lands through which the said road or its branches may pass, signed by the owner or owners thereof, or by his, her, or their agent, trustee,

Right of way,
&c., how to be
relinquished.

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or guardian, or any claimant in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which any part of the road, or any of its branches, may be constructed, together with a space of fifty feet on each side of the centre of said road, or any of its branches, has been granted to the company by the owner or owners thereof; and the said company shall have good right and title thereto, and shall have, hold, and enjoy the same, to be used only for the purposes of said road or branch, unless the person or persons owning the said land, at the time that part of the said road or branch which may be on said land was finally surveyed and located, or those claiming under him, her, or them, shall apply for an assessment of the value of said lands, as hereinbefore directed, within one year after that part of the said road or branch was finally surveyed and located, and he, she, or they notified thereof, in writing; and in case the said owner or owners, or those claiming under him, her, or them, shall not apply for such assessment within one year after the said part was finally surveyed and located, and he, she, or they notified thereof, as aforesaid, he, she, or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, that nothing herein contained shall affect the rights of *femes covert* or infants, until two years after the removal of their respective disabilities.

Lands of the
state, how vest-
ed in company.

§ 40. All lands not heretofore granted to any person by, nor appropriated by law to the use of the state, within one hundred feet of the centre of the road or its branches, which may be constructed by the said company, shall vest in and belong to the said company, so soon as the line of the road or branch is laid out through it; and any grant for said land thereafter shall be null and void.

Penalty for vi-
olating rights of
company.

§ 41. If any person or persons shall intrude upon the said railroad, or any branch thereof, or part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she, or they shall forthwith forfeit to the said company all the vehicles that may be so intruded on the said road or branch, and the same may be recovered by suit at law; and the person or persons, so intruding, may also be indicted for a misdemeanor, and, upon conviction, be fined and imprisoned by any court of competent jurisdiction.

Penalty for
damage to prop-
erty of company

§ 42. If any person or persons shall willfully or maliciously destroy, or in any manner hurt, damage, or obstruct, or shall willfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy, or in any manner to hurt, damage, injure, or obstruct the said railroad, or any branch thereof, or any bridge, vehicle, house, or permanent fixture used for said road or branches,

or in transportation thereon, such person or persons, so offending, shall and may be indicted therefor, and, on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred nor less than twenty dollars, at the discretion of the court before which such conviction shall take place; and shall be further bound to pay all the expenses of repairing the same. And it shall not be competent for any person or persons, so offending against the provisions of this clause, to defend himself or themselves by pleading or giving in evidence that he, she, or they are or were owner, or agent, or servant of the owner or owners of the land where such destruction, hurt, damage, or injury, or obstruction was done or caused, at the time the same was caused or done.

§ 43. Every obstruction to the safe and free passage of vehicles on said road, or its branches, shall be deemed a public nuisance, and may be abated as such by any officer, agent, or servant of the company; and any person causing such obstruction, may be indicted and punished for erecting a public nuisance.

What shall be
abated as
nuisances.

§ 44. The said company shall have the right to take, at the storehouses, or other receptacles or depositories which they may erect or establish on or annex to their railroad, or any of its branches, all goods, wares, merchandise, produce, or freight of all kinds, intended for transportation; prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they, by rules, may establish; (which rules they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rules and rates of transportation: *Provided*, that the said company shall not charge or receive storage on goods, wares, merchandise, produce, or freight which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

May charge
storage.

§ 45. The profits of the company, or so much thereof as the board of directors may deem advisable, shall, as often as the affairs of the company will, in the opinion of the board, permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold: *Provided*, that no part of the capital stock of the company shall at any time, or under any pretence, be divided among the stockholders under the name or pretence of profits; nor shall any dividend of the profits be declared, as aforesaid, until the president and directors shall have set apart and reserved such a contingent fund, out of any balance of capital stock which may be on hand, and out of the profits of the road or its branches, as shall, in their opinion, be sufficient to pay the expenses of stocking the road and branches, and keeping the same in good repair; and this

Dividends, how
to be declared.

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contingent fund they shall keep always on hand, increasing or diminishing the same, from time to time, as, in their opinion, the exigencies of the road and its branches may require.

To be exempt
from taxation.

§ 46. The capital stock in the said company, the contingent fund aforesaid, the dividends on the capital stock, the road and its branches, the fixtures, depots, workshops, warehouses, and depositories, and locomotives, and all vehicles or means of transportation or travel belonging to the said company, shall be forever exempt from taxation in each of the states of Tennessee and Kentucky; and it shall not be lawful for either of the said states, or any corporate or municipal police, or other authority thereof, or of any town, city, county, or district thereof, to impose any tax on such stock or dividends, property or estate: *Provided*, the stock or dividends, when the said dividends shall exceed the legal interest of the state, may be subject to taxation by the state, in common with and at the same rate as money at interest, or interest thereon; and when the state shall impose a tax on the dividends declared in favor of the stockholders of the company, the tax shall extend only to such proportion of the said dividends and capital stock as the part of the road in that state shall bear to the whole road, from the profits of which the said dividends have arisen; which tax, when imposed, shall be retained by the board of directors out of said dividends, and paid to the state; but no tax shall be imposed so as to reduce the part of the dividends to be received by the stockholders below the legal interest of the state.

Compensation
of officers, how
fixed.

§ 47. The stockholders, at any general or called meeting, may, by rule, regulation, or by-law, reserve to themselves the power of designating the number, duties, and compensation of the engineers, officers, agents, and servants or laborers to be employed in surveying, locating, contracting for, and causing to be constructed, said road or its branches, or any part thereof, and keeping the same in repair, and in regular operation; and in default of the exercise of this power by the stockholders, this power, together with the power of removal or dismissal, and all such other powers in connection with this subject of officers, agents, servants, &c., aforesaid, as may be necessary to further or advance the legitimate objects and business or interests of the company, shall be and are hereby vested in, and shall be exercised by the president and directors, and such agents as they may appoint for that purpose, subject, however, to the supervision, reversal, or control of the stockholders at any general or called meeting, as aforesaid.

Officers exempt
from serving on
jury, &c.

§ 48. That the following officers and persons, in the actual service of said company, be and are hereby exempt from the performance of jury and ordinary militia duty, viz: the president, the chief and assistant engineers, the

secretary, auditors, and accountants of the board, keepers of the storehouses or depositories, guards stationed on the road or its branches to protect them from injury, not exceeding one man in every five miles, and such persons as may be engaged in working the locomotives, and traveling with cars for the purpose of attending to the transportation of freight or passengers on the road or its branches, not exceeding one engineer and his assistant, and the necessary firemen to each locomotive engine, and one person to each passenger car and every five cars for transporting freight.

§ 49. The said company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives or property, except goods transported on said railroad or its branches, or in the company's custody for or in consequence of such transportation.

Not to engage
in banking.

§ 50. Any individual, individuals, bodies corporate, or states, may construct branches to unite with the main road aforesaid, or any of its branches, with the permission of the legislature of the state where such proposed branch or branches may be situated, and by and with the written assent of the president and directors of said railroad company. And it shall be the duty of the said railroad company, when required, to receive on their road and its branches the fully loaded freight and passenger cars from such branches, so to be united with them, and transport the same to their point of destination along their road or its branches, and to return them, if required, without changing the loads thereon, or charging, for the transportation of such freight or passengers therein, any greater price than they charge for similar freight or passengers in their own cars: *Provided*, that the company shall not be compelled to receive any such cars on their road or branches, unless they are constructed in the same manner, and are of equal strength with their own cars, of which the engineers of that section of the main road shall be the judges: *And, provided*, that the company shall not be compelled to receive any car from such branches without receiving, in advance, payment for at least twenty miles transportation: *And, provided, also*, that the said company shall be entitled, in all respects, to similar and equal privileges on any branches constructed as aforesaid, to unite with their road or branches, and be subject to the same restraints.

State, &c., may
make branches.

§ 51. When the said road shall be completed to the Tennessee state line, as aforesaid, or extended and continued to its terminus at Nashville, under the stipulations contained in this charter, in either event, it shall be the duty of the company to keep all parts thereof in a state and condition for regular transportation and travel on the whole length thereof; and in case the said railroad shall be out of repair, or so injured in any part as to interrupt the travel

Road to be
kept in repair.

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or transportation thereon, it shall be the duty of the company, with due expedition, to repair the same; and in case the company should neglect unreasonably so to do, it shall be lawful for any judge of the court of last resort, having chancery powers in the state where such repair is required, at chambers, after due notice to the company, to make an order that no charge shall be made by the company for travel or transportation on any part of said road within ten miles of said interruption; which order shall not release the said company from their obligation to transport freight and passengers on all parts of the road which may be in repair: *Provided*, that no such order shall be made when it shall appear to the judge that the company has used due diligence to make the said repair, or that the part injured is incapable of being restored, or that another line of road, or another mode of conveyance may be, beneficially to the public, substituted in place of the part injured or out of repair; which order of the judge shall be and continue in force only until the expiration of ten days after the next meeting of the court of last resort of which said judge shall be a member, unless the same shall be confirmed by the said court; and any judge of said court may set aside or annul such original or confirmed order, on satisfactory evidence that the injury is repaired, or the substitute provided, and transportation is resumed on the part of said road embraced in said order.

Directors may appoint necessary officers under them, and fix their compensation.

§ 52. The president and directors of the company, or a majority of them, shall have power, subject to the provisions above inserted in this charter, to fix the number, and arrange the compensation, by agreement or by-laws, and designate the powers and duties of all such officers, agents, engineers, servants, and mechanics, overseers, and laborers of all characters and kinds whatsoever, as they may deem necessary or expedient for the transaction of the business of the company in its various details and departments, and may remove any of them at pleasure; and, also, may appoint or employ them, or any or all of them; and may, by rules and by-laws to be enacted by them, or a majority of them, regulate the manner of adjusting and settling all accounts, debts, dues, or demands of any and every kind whatever, in favor of or against the said company; and they, or a majority of them, may appoint an agent or agents, with such powers as they think proper to confer, for the purpose of making contracts for timber, iron, or labor, locomotives, fixtures, or any articles or things which, in their opinion, may be necessary for the construction or use of the road or its branches; and they, or a majority of them, shall have power to erect buildings and depots for the storage and safe-keeping of articles or freight entrusted with them for transportation, and for workshops, offices, and other purposes necessary for the business, or for the

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safe-keeping of the locomotives, cars, and other property of the company; and they, or a majority of them, shall have power to direct the manner, and by what evidence the stock in said company may be transferred; to make calls on the stockholders for the instalments of the stock subscribed by them, as aforesaid; to fix or alter, from time to time, the rates of charge for the transportation of freights and passengers on the road or its branches, under the limitations aforesaid; and in general to superintend, control, and direct the location and construction of the road and its branches, and to put and keep the same, or any section or sections of them, in operation, and manage and control, under this charter and the by-laws which may be enacted by the stockholders, all the monetary interests, and prudential and other affairs, duties, and obligations of the corporation.

§ 53. The president and directors, or a majority of them, shall have power to cause such examinations and surveys to be made for the routes of said railroad and branches as they may deem necessary to the selection, by them, of the most advantageous lines, courses, routes, or ways for said railroad and its branches, or any of them; and shall, as soon thereafter as practicable, select and determine the routes on which said railroad or its branches shall be constructed, and locate the same.

May make surveys, &c.

§ 54. The president and directors, by and with the assent of the stockholders, at any general or called meeting, shall have power and authority to borrow not exceeding seven hundred and fifty thousand dollars, at an interest not exceeding seven per cent. per annum, and pledge or mortgage the road, or any other property, or any part thereof, belonging to the company, to secure the payment of the money so borrowed, and may issue bonds or certificates of stock therefor; but no bonds, certificates of stock, or notes, shall be issued to circulate as bank notes.

May borrow money, &c.

§ 55. This charter shall be amendable, from time to time, by the legislatures of Kentucky and Tennessee, after the latter state shall have concurred in and enacted this charter, as above provided, or by the legislature of Kentucky alone, in default of such concurrence upon the part of Tennessee; but no amendments shall be passed by either or both of said states to this charter, after the company is formed and organized, as aforesaid, unless on the unanimous petition of the president and directors, specifying in the petition the nature of such amendments; and when such amendments shall be passed, as aforesaid, and submitted to the board of directors, and be adopted and assented to unanimously by the president and directors, they shall form part of this charter, and be obligatory on the stockholders and every member of the corporation, and not otherwise.

Charter may be amended.

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Counties, &c.,
in Kentucky
may take stock.

§ 56. The counties and incorporated towns in the state of Kentucky may, in such manner, and under such regulations and restrictions as the legislature of said state shall prescribe, subscribe for and take stock in said contemplated railroad company.

If state of Tennessee fails to enact this charter, the company may make the road to the state line.

§ 57. If the legislature of the state of Tennessee, either before or after said company is organized and formed, as aforesaid, shall fail or refuse to concur in and enact this charter, as aforesaid, that refusal or failure shall in nowise invalidate or annul this charter, nor prevent the company from being organized under it, as aforesaid, nor in anywise obstruct or release them from constructing the railroad to the Tennessee state line, as aforesaid, from Henderson, with or without branches, as aforesaid; and it shall be lawful for the president and directors of the company, at any time, to use all lawful means to procure from the legislature and citizens of Tennessee the right of way over the soil of that state, so as to enable the said company to extend their road to its terminus aforesaid, at or near Nashville, and across the Cumberland river, and through or into Nashville, as above provided; or it shall and may be lawful for the president and directors of said company to assent, and arrange and agree with the proper agents the terms of their assent, to the junction of their railroad, at its terminus on the Tennessee state line aforesaid, with any railroad which may be constructed by the state or citizens of Tennessee, or by any company incorporated by that state, and running from Nashville to the said southern terminus of the railroad hereby authorized to be constructed.

Former acts
repealed.

§ 58. That so much of an act, entitled, "an act to incorporate the Henderson and Nashville railroad company," approved February 8, 1837, and also of an act, entitled, "an act to amend and re-enact an act to incorporate the Henderson and Nashville railroad company," approved March 4, 1850, as is not incorporated into this act, be and the same is hereby repealed.

Approved March 8, 1851.

CHAPTER 386.

AN ACT for the benefit of Riley McGuire.

Whereas, it is represented to this general assembly, that James McGuire, a citizen of Greenup county, died about the year 1829, without heirs, but leaving an illegitimate child named Riley McGuire. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whatever interest in the estate of the said James McGuire has vested in this commonwealth, shall be and is hereby released to and vested in the said

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Riley McGuire, who is hereby authorized, by the appropriate suit, to assert the title of the commonwealth in said James McGuire's estate, which has been, by this act, released to and vested in said Riley McGuire.

§ 2. That any and all real estate that the said Riley may take or recover, under the provisions of this act, shall be, in his hands, subject to any and all debts and liabilities of his father, the said James, and as fully as it would be subject in the life-time of the latter.

Approved March 8, 1851.

CHAPTER 387.

AN ACT to incorporate the Erodelphian Society of Cumberland College.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the members of the Erodelphian society of Cumberland college, in the county of Caldwell, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the Erodelphian society; and, by that name, shall have perpetual succession, with power to receive all donations and bequests, and apply the same for the purpose aforesaid, in conformity to the conditions and designs of the donor; to contract and be contracted with, sue and be sued, defend and be defended, in all courts of competent jurisdiction; to acquire, hold, and convey property, both real and personal, not exceeding five thousand dollars in value; to have and use a common seal; and shall have powers and privileges incident to similar institutions.

§ 2. That said corporation shall have power to form a constitution, and adopt by-laws for its government, which, however, shall not be repugnant to the constitution and laws of this state; to designate the number and titles of its officers, and to provide for their appointment, and to grant certificates or diplomas to such of its members as said corporation shall deem worthy.

§ 3. That all matters in which said corporation is interested, in regard to the rights of the same, shall be decided by a majority of all its members present: *Provided*, that members who are absent may vote by their authorized proxies.

Approved March 8, 1851.

CHAPTER 388.

AN ACT giving further time to the citizens of Whitley county to return plats of surveys on lands in said county.

Whereas, it is represented to the general assembly, that the Whitley county court sold land warrants to divers citi-

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zens of said county, and took bonds for the same, to be discharged in labor on the public roads, said warrants having been looted on vacant lands therein; and that said county court has never demanded payment of said bonds; and whereas, a law has been passed prohibiting the register of the land office from receiving any plat and certificate of survey made on said warrants, except it be certified by the treasurer of the county that the warrant had been paid for. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the citizens of Whitley county have until the first day of March, 1852, to return plats and certificates of said surveys to the register of the land office, together with a certificate from the treasurer of said county that said warrants had been paid for.

Approved March 8, 1851.

CHAPTER 389.

AN ACT to incorporate the Columbus Masonic Seminary, in Hickman county.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James M. Moore, Doct. John G. Ramsay, William Cook, William J. Walker, John M. Robinson, Richard N. Lester, Nicholas M. Kerr, Newton E. Wright, Fielding Bland, James M. Henderson, James H. House, and James S. McClure, and their associates, be and they are hereby created a body politic and corporate, for the purposes hereinafter named, and, as such, shall have perpetual succession, under and by the name and style of the Columbus masonic seminary; and, by that name, shall have all the privileges and franchises incident to corporations of a like character; and shall be capable of creating, taking, and holding their capital stock, and the increase thereof, and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, leasing, and conveying in fee simple, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary for the purposes and objects of this act; and shall be able and capable of suing and being sued, defending and being defended, answering and being answered, in all and any courts of law or equity, or place whatever; may have and use a common seal, and generally may do all and every act, matter, or thing which a body politic and corporate may do.

Capital stock.

§ 2. That the capital stock of said corporation shall not be greater in amount, including all their real and personal property, than twenty thousand dollars, to be divided into shares of ten dollars each; which stock shall be considered and held as personal property, and may be sold and trans-

ferred as such, in such manner as the president and directors, hereinafter provided for, may direct.

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Books to be opened for the subscription of stock.

§ 3. That the persons named in the first section of this act be and they are hereby appointed commissioners for the purpose of opening books and receiving subscriptions of stock in said company; and they, or any five of them, within one year from the passage of this act, may open and keep open books, in the town of Columbus, or elsewhere if necessary, for the purposes aforesaid, until the whole of said stock shall be taken; and they may close said books so soon as the amount of stock necessary, in their opinion, to carry out the object of this corporation, is obtained.

When directors may be elected.

§ 4. That when the amount of capital stock necessary, in the opinion of said commissioners, shall have been taken, it shall be the duty of said commissioners to give at least ten days' notice, by advertisements at three or more public places, of the time and place of holding an election for three directors of said seminary, who shall be elected from the stockholders; and each stockholder shall have one vote for each share he may hold in his own name; and that Columbus lodge, No. 173, of free and accepted masons, shall have the power, so long as it exists as a lodge, to elect from its own members four directors for said seminary.

President to be elected.

§ 5. That said directors, as soon as practicable, shall organize by electing one of their number as president, and a secretary and treasurer, the two latter of whom shall take an oath faithfully to discharge their duties; and the said president and directors shall manage the financial and prudential concerns of said seminary, and shall hold their offices for one year, unless they, or any one of them, who shall have been elected by the stockholders, shall die, resign, or cease to be a stockholder, in which case five days' notice shall be given to the stockholders for an election to fill such vacancy or vacancies; and in case of the death, resignation, or removal of any of the directors elected by Columbus lodge, No. 173, said lodge shall have the power to elect, at any regular meeting, a member or members to fill such vacancy or vacancies: *Provided*, that this corporation shall not cease to exist by reason of any failure to hold an election; but, in such case, the president and directors then acting shall continue to act until their successors are chosen and organized.

May purchase ground & erect buildings.

§ 6. That said directors shall have power to purchase grounds in the town of Columbus, and erect and establish a seminary of learning, a hall for Columbus lodge, No. 173; and other buildings that they may think necessary, and furnish the same in such style as they may deem proper, and employ such teachers, agents, and servants as may be necessary for the well management of the same.

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Record of proceedings to be kept.

§ 7. That said board of directors shall cause an accurate record to be kept of their proceedings, and an account of their receipts and expenditures, in proper books for that purpose, which shall be laid before them at all meetings of the board, and shall at all times be subject to the inspection of the stockholders, and of Columbus lodge, No. 173; and semi-annually, after the first year from the time of their organization, they shall make a fair statement of their transactions, and declare a dividend of the net profits of the concern, and pay the same over to the stockholders entitled thereto.

May make calls on stock.

§ 8. The said directors shall have power to make such calls for the payment of stock of the subscribers as they may deem necessary, and, in case of failure to pay the same on the part of any stockholder, may sue for and recover the same in any court having jurisdiction, as for any other unliquidated debts.

Not to engage in banking.

§ 9. That none of the powers herein granted shall in any wise be construed to allow banking privileges nor to issue any note, or bills of credit payable to bearer; nor to contract any debts to a greater amount than the stock subscribed; and said directors, after their organization, shall have power to keep the books open for the subscription of stock until the whole shall be taken, and shall have the management and government of the school and buildings, and appoint a principal professor and teachers, as they may deem necessary, and fix the rate of tuition.

How suits to be brought.

§ 10. That all suits by or against said corporation shall be in the name of the president and directors of Columbus masonic seminary; and when suit is brought against it, it shall be sufficient to serve process upon any two of the directors, to be tried before any court having jurisdiction established by law, and proceed to trial according to the rules and regulations applicable to individuals not corporations.

§ 11. The general assembly hereby reserves the right at any time to change, modify, or repeal this act.

Approved March 8, 1851.

CHAPTER 390.

AN ACT to amend the charter of the Maysville, Orangeburg, and Mount Carmel Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the president and directors of the Maysville, Orangeburg, and Mt. Carmel turnpike road company to construct their said road of plank, instead of stone: *Provided,* in their discretion, they should deem it best to do so.

Approved March 8, 1851.

CHAPTER 391.

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AN ACT to amend an act to revive and amend an act to incorporate the Stanford and Lancaster Turnpike Road Company, approved March 7, 1850.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That should the president and managers of the Stanford and Lancaster turnpike road company locate the Stanford end of said road so as to pass through Lancaster street, they may make the grade of the first half mile leading through and out of Stanford at an elevation of three and a half degrees.

§ 2. That the president and managers of said road, if they deem it proper to do so, may erect toll gates within three-fourths of a mile of the court house in each of the towns of Stanford and Lancaster.

Approved March 8, 1851.

CHAPTER 393.

AN ACT to change the time of holding the Spring term of the Bracken Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the spring term of the Bracken circuit court, for the year 1851, shall commence upon the fifth Monday in March, 1851, and shall continue six judicial days; and all process issued or returned to the third Monday in March shall have the same effect as though returned to the fifth, and all causes shall stand for trial on the fifth Monday, in the same manner as they now do to the third Monday.

Approved March 8, 1851.

CHAPTER 394.

AN ACT to incorporate the Carrollton Library Society.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That W. O. Butler, William B. Winlow, William W. Collins, Richard P. Butler, R. M. Hathaway, and the rest of the persons who have subscribed for the purpose of forming a library in Carrollton, and those who may hereafter subscribe, be and they are hereby created a body politic and corporate, by the name and style of "the Carrollton library society;" and, by that name, shall have the power and capacity to sue and be sued, plead and be impleaded, and may have and use a common seal, and break or alter the same at the pleasure of the trustees.

Society incorporated.

§ 2. That the foregoing five named persons be and they are hereby appointed trustees of said society; it shall be their duty to have entered on the record book of said socie-

Trustees appointed.

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ty the name of each person who has, or may hereafter subscribe for said purpose; also, the amount subscribed; which entry shall be *prima facie* evidence for and against said society of the fact.

Subscriptions
to be recovered.

§ 3. Should any subscriber refuse to pay the amount subscribed, when required, the same may be recovered before any justice of the peace at any time, such delinquent having three days' notice to appear and answer, &c., and execution shall issue on the judgment rendered, and shall be collected by the proper officer.

Term of office

§ 4. The trustees aforesaid shall continue in office until the first Monday in May next, at which time the subscribers shall proceed, *viva voce*, to elect five persons, being shareholders, to act and enjoy the powers of trustees, conferred hereby, for one year, and until their successors be chosen and qualified. Should it happen, from any cause, that the election is not had at said time, the old board shall continue in office for the year succeeding, and so continue until an election is had, as required herein. Any number present at the day of election may choose the trustees.

Vacancies,
how filled.

§ 5. If the office of any trustee becomes vacant, from any cause, between the times of election, the remaining trustees shall fill the vacancy.

May enact by
laws, &c.

§ 6. The trustees shall pass such by-laws and regulations as they may deem proper for the government of said society, which shall be binding on each subscriber, provided they be not in contravention of the constitution and laws of this state.

§ 7. That said society shall have, possess, and enjoy all the rights, privileges, and immunities incident to corporations generally.

§ 8. That the trustees may appoint such officer or officers for the collection of the money coming to said society, for the preservation of its books, and for such other purposes as may be required of such officer, they defining the duty, as they may think proper.

§ 9. The general assembly reserves the right to alter, modify, or repeal this act at pleasure.

Approved March 8, 1851.

CHAPTER 395.

AN ACT in relation to Flint Island School District, No. 5, in Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of Flint Island school district, No. 5, in Breckinridge county, at the annual election in April in each year for trustees of said district, to open a poll to take the sense of all free white persons in said district having children

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over five and under sixteen years of age, whether they will or not have an additional tax assessed upon them for common school purposes; and if a majority shall vote for the additional tax, the trustees of said district shall levy a poll tax of fifty cents, and an *ad valorem* tax not to exceed fifteen cents on each one hundred dollars worth of taxable property, upon the aforesaid persons having children of the proper school age; and the trustees shall have power to collect said tax in the same way that other taxes or debts are now collected by law.

Approved March 8, 1851.

CHAPTER 397.

AN ACT to incorporate Pikeville Division, No. 79, Sons of Temperance.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richardson Robert Owings, Jefferson Owings, J. H. Woolfington, and Doctor Emet, and their successors in office, be and they are hereby incorporated into a body politic and corporate, by the name and style of Pikeville division, No. 79, sons of temperance, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, and purchasing, holding, selling, and conveying all such real and personal estate as may be required for the use of said division: *Provided*, the amount vested in real estate, inclusive of the buildings thereon, shall not at any time exceed ten thousand dollars.

Members
incorporated.

§ 2. That the management of the affairs of said corporation shall be and is hereby confided in five trustees, and their successors in office, who, or a majority of whom, shall have power and authority to make all contracts pertaining to said division, and may have and use a common seal, which they may change at pleasure, and make all such by-laws and regulations as they may deem proper for the management of said division: *Provided*, the same be not contrary to the laws and constitution of this state. That the incorporators named in the first section of this act shall hold their office until the first Monday in July, 1851, and until their successors in office are elected; and it shall be the duty of the members of said division, on that day, and the first Monday in July of every succeeding year, to elect five members of said division to act as trustees for one year, and until their successors are elected. Service of process or notice on any two of the trustees, shall be sufficient service and notice, in any and all cases, of procedure or suit against the division.

Trustees to
manage
con-
cerns of corpo-
ration.

§ 4. The general assembly hereby reserves the right to repeal or modify this act at pleasure.

Approved March 10, 1851.

1851.

CHAPTER 398.

AN ACT to amend an act, entitled, an act to incorporate the Shelbyville and Taylorsville Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first section of an act, entitled, "an act to incorporate the Shelbyville and Taylorsville turnpike road company," approved March 7, 1850, be so amended as to make it read, in the fifth line of said section, eighteen hundred and thirty-six, instead of 1826.

§ 2. That the third section of the act aforesaid be so amended as to authorize said board to lay out and grade at least thirty feet in width, wherever the ground, in the opinion of the board, will admit thereof.

Approved March 10, 1851.

CHAPTER 399.

AN ACT for the benefit of the Sheriff of Lawrence County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the sheriff of the county of Lawrence filing with the second auditor his delinquent list of revenue for the years 1849 and 1850, on or before the first day of May next, then the said auditor shall draw his warrant on the treasurer for the amount of said lists, which shall be paid out of any money in the treasury not otherwise appropriated.

§ 2. That the collector of the county levy for the county of Lawrence be allowed until the April county court, 1851, to return his delinquent list of county levies.

§ 3. That the sheriff of Lawrence county be allowed until the next court of assessment to return his delinquent list of muster fines, in his hands as sheriff.

Approved March 10, 1851.

CHAPTER 400.

AN ACT authorizing the Chancellor of the Louisville Chancery Court to direct certain streets in Portland to be closed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any lot holders in any of the squares of Upper or Eastern Portland, north of High street, and east of squares fractional 29, square 30, square 31, and square 32, to file a petition, in the nature of a bill in chancery, in the Louisville chancery court, against the city of Louisville, and all the other lot owners, of any one or more of the squares, to close any street or alley dividing the lots and squares, upon the allegation that such street or alley designed to be closed is prejudicial to the lot holders, and the closing thereof will

not inconvenience the public; and upon the establishment of said allegation by proof, the court shall make a decree closing such street or alley; and that equal moities of such street or alley, so closed, shall attach to each adjoining lot on said street or alley; and either party aggrieved may prosecute a writ of error from any decree in any such cause to the court of appeals, as in other suits.

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Approved March 10, 1851.

CHAPTER 401.

AN ACT to prevent the destruction of fish in Barebone Creek, in Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall not be lawful for any person or persons to erect or fix, in the waters of Barebone creek, within Trimble county, any dam, hedge, or other obstruction to the free passage of fish in said stream, or to place any set net or fish trap, or to drag any seine or bush drag therein; and, hereafter, every such obstruction shall be deemed a nuisance; and whoever shall cause the same to be made, or be guilty of any of the acts aforesaid, shall forfeit and pay the sum of five dollars for every such offense, and the additional sum of ten dollars for every twenty-four hours he shall suffer such obstruction to remain in said creek, as aforesaid, recoverable by warrant before any justice of the peace, one moiety of which shall go to the informant and the other to the use of said county; and said offender shall, moreover, be liable to the party aggrieved: *Provided*, that nothing in this act contained shall be so construed as to prevent the establishment of any mill or machine for the public use upon said creek, within said county, according to existing laws.

Approved March 10, 1851.

CHAPTER 402.

AN ACT authorizing elections of officers of the Glasgow and Scottsville Turnpike Road.

Whereas, doubts exist as to the power of the acting president and managers of the Glasgow and Scottsville turnpike road to hold elections of officers. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the acting president and managers of said road be and they are hereby authorized and empowered to direct and hold said elections on the first Monday in May, 1851, in the manner now prescribed by law; and that,

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hereafter, upon the failure or refusal of said president and managers to advertise and hold said elections, at the time and place directed by law, it shall be the duty of the president of the board of internal improvement, and he is hereby authorized and directed to advertise and hold such election, at any time after such failure, in the same manner, and at the same place now directed by law: *Provided*, that in the election of said officers none but the individual stockholders shall be permitted to vote.

Approved March 10, 1851.

CHAPTER 403.

AN ACT to incorporate the Western Coal and Manufacturing Company.

Company form-
ed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company, to be called "the western coal and manufacturing company," is hereby established in the county of Hancock, with a capital not to exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for by individuals, companies, and corporations; and the subscribers to the stock of said company, their successors and assigns, shall be and they are hereby created a body politic and corporate, with perpetual succession, by the name of "the western coal and manufacturing company," and, by that name and style, may contract and be contracted with, plead and be impleaded, answer and be answered, defend and be defended, in any court of law and equity, and to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; also, may purchase, receive, rent, hold, enjoy, and convey real estate, minerals, mining privileges, and rights of way, not exceeding seventy-five thousand dollars in value, exclusive of buildings and fixtures thereon; and also ordain, establish, and put in execution any and all by-laws, rules, and regulations which they may deem proper, for the management and government of the concerns of said company, not inconsistent with this act, or the constitution and laws of this state or of the United States.

Business of
the company.

§ 2. That the business of said company shall be the manufacturing of cotton, woolen, hemp, and other goods; the mining, transporting, and selling of stone coal, or any of said pursuits.

Commissioners.

§ 3. That James Boyd, Frederick Boyd, and James Hay are hereby constituted commissioners for opening books for the subscription of stock; and they, or any one of them, may open books for the subscription of stock at such time and places as may be deemed advisable, requiring each subscriber to pay five dollars per share at the time of subscription; and when the commissioner or commis-

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sioners, who may act, believe there is a sufficient amount of stock subscribed to commence operations, he or they shall call a meeting of the stockholders, by causing a notice thereof to be inserted in a newspaper published in Hawesville or Louisville for two weeks previously to the time designated for holding said meeting, therein designating the time and place of said meeting; and said stockholders may, when so assembled, proceed to elect a president and four directors, who shall manage the affairs of said company until the first Saturday in January thereafter, and until their successors be elected and enter upon the duties of their office; on the first Saturday in January in each year, after the organization of said company, a meeting of the stockholders shall be called by advertisement for two weeks previously in some newspaper published in Kentucky, at which meeting a president and four directors in said company shall be elected for the ensuing year, who shall remain in office for one year, and until their successors are elected and enter upon the duties of their office; and a meeting may be called at any other time, by public notice, as aforesaid, signed by those representing one-fourth the stock subscribed, and at such time an election may be had, if none was had at the annual meeting; and any vacancy which may have occurred may be filled at such called meeting; and in all elections, and other questions to be decided by the stockholders, each stockholder shall be entitled to one vote for each share of stock held by him, which may be exercised by proxy; vacancies in the office of president or director may be filled by those remaining in office, until otherwise filled by the stockholders; but no person shall be eligible to the office of president or director who is not, at the time of his election, a *bona fide* stockholder.

§ 4. That at any time after the company is organized, if the whole capital stock has not been subscribed for, the president and directors may open books, if deemed advisable, for the subscription of stock, from time to time, until the whole capital stock is taken.

Books may be re-opened.

§ 5. The president and two directors, or, in the absence of the president, three directors, shall constitute a quorum to do business; and said president and directors shall have the power to prescribe, by resolution, when the stock is to be paid in, and how secured; and they shall have power and authority to forfeit to the company such stock as shall not be paid agreeably to such requisitions; and it shall be their duty to provide such by-laws as may be necessary for the transfer of stock, from time to time: *Provided*, that no person who is indebted to the company shall have power to transfer his stock therein, until such indebtedness is discharged, without the sanction of the board of president and directors, evidenced by a resolution or other entry made upon the journal of their proceedings.

Directors to fix calls on stock subscribed.

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Directors may
appoint all ne-
cessary officers.

§ 6. The board of president and directors shall have power to appoint and employ all such clerks, officers, and agents as they may deem proper, and require of them such bond for the performance of their official duties as they may think fit, and make all by-laws, and do all other acts and things necessary and proper for the purpose of carrying on the business of said company, as specified in the second section of this act; they shall keep, or cause to be kept, a journal of their proceedings, and the books of said company shall at all times be subject to the examination of the stockholders in said company.

Stock to be
personal estate.

§ 7. The stock in said company shall be deemed and held as personal property, and in all meetings of stockholders an executor, administrator, guardian, or trustee may represent and vote the stock held by the deceased person, ward, or beneficiary.

Not to engage
in banking.

§ 8. Said company shall not exercise any banking privileges, by putting their notes or other evidences of debt in circulation; but nothing in this section shall be construed to prevent said corporation, or the agents conducting the business thereof, from making contracts, written or parol, executing promissory notes, and drawing and accepting bills of exchange, in the prosecution of the business of said corporation, as specified in section second.

Approved March 10, 1851.

CHAPTER 404.

AN ACT to incorporate the Hancock Mining Company.

Company
incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a corporation is hereby created in the county of Hancock, by the name and style of "the Hancock mining company;" and said corporation shall have all rights, immunities, and powers necessary and proper for conducting its business, which shall be the mining, transporting, and selling of coals, the making of lumber, the building of boats and water crafts of every description; and said corporation may purchase, lease, and hold all necessary real estate, rights of way, and mining privileges, not exceeding fifty thousand dollars in value, exclusive of buildings thereon, and may sell and convey the same at pleasure.

Capital stock.

§ 2. The capital stock of said company shall be two hundred thousand dollars, in shares of one hundred dollars each; and subscriptions of stock may be made by persons signing their names to a covenant to take the number of shares placed opposite their names, and pay the same to "the Hancock mining company;" and George W. Williams, George W. McAdams, Samuel McAdams, Hiram Taylor, and Joseph F. Wilson, commissioners to receive subscrip-

tions for stock, any two of whom may open books for the subscription of stock, as above directed, and may authorize other agents to open books and receive subscriptions for stock in like manner, either in or out of this state; and when, in the opinion of said commissioners, or a majority of them, or the survivors of them, a sufficient amount of stock shall have been subscribed to commence business, they may call the subscribers together, who may organize the corporation by the election of a president and two directors.

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§ 3. The president and directors shall hold their offices for the term of one year, and until their successors are elected and enter upon the duties of their office, subject to be removed, however, at any meeting of the stockholders, by the vote of a majority of all the stockholders; and said president and directors shall manage and conduct the business and affairs of said corporation, in such manner as may be prescribed by the by-laws which may be adopted by the stockholders: *Provided*, such by-laws shall not be inconsistent with the laws and constitution of this state or the United States.

The term of office of president and directors.

§ 4. There shall be an annual meeting of the stockholders, and oftener, if called by the president and managers, or a majority, in interest, of the stockholders; and at every such meeting the officers of the corporation shall, if required, submit a full statement of the affairs, business, and accounts of the company. A majority of the stockholders may, from time to time, permit additional stock to be subscribed for, until the whole amount authorized by this act shall have been taken. The several stockholders may vote by proxy. The president and directors may, from time to time, make such calls on the shareholders as may seem fit; and in case any such shareholder shall fail to pay such call, his stock may be forfeited to the company, after notice of such call, and that said stock will be forfeited unless paid for, thirty days previous to the time of forfeiture, in some weekly newspaper in this state.

Annual meeting.

§ 5. Each stockholder shall have as many votes as he has shares up to ten shares, and one additional vote for every five shares above ten. Certificates of stock shall be issued as the by-laws may direct; and the stock shall be regarded as personal estate, and shall be transferred on the books of said company, in person or by attorney; but the company shall have a lien on the stock of any and all stockholders for any debt he may owe to said corporation.

Certificates of stock to be issued.

§ 6. Dividends of profits may be declared yearly, or half yearly, but no dividend shall ever diminish the capital stock subscribed.

Dividends to be made.

§ 7. The president and directors shall have power to appoint and employ all such clerks, agents, and officers as they may deem proper, and may take bonds from all and

May appoint all necessary officers.

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every officer, agent, or clerk to said company for the performance of their respective duties; and they may dismiss such clerk, agent, or officer at pleasure.

Notice to be given.

§ 8. The corporation shall give notice of its organization in some weekly paper published either in Louisville, or Hawesville, by at least four weekly insertions.

Corporate powers granted for 50 years.

§ 9. The stockholders, their successors and assigns, shall, for fifty years, have perpetual succession, under the name and style of the "Hancock mining company;" they may have a common seal, and the same change and alter at pleasure; may sue and be sued, defend and be defended; they may execute any deed for the conveyance of any real estate, under the seal of said company affixed to such conveyance, by the direction of the president and directors of said company.

§ 10. Said company may, by its agents or officers, apply to the county court of Hancock county, and procure the right of way from any coal mine in said county to the Ohio river, over the lands of other persons, in the same way that individuals may do under existing laws.

§ 11. The general assembly reserves the right to repeal or modify this charter at pleasure.

Approved March 10, 1851.

CHAPTER 405.

AN ACT to incorporate a turnpike road from Germantown to Gault's Mill, on the North Fork, in Mason county.

Company incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby incorporated to construct a turnpike road, of stone or plank, from the town of Germantown to Gault's mill, on the north fork of Licking, by the name of the Germantown and Gault's mill road company; and, by that name and style, may sue and be sued, plead and be impleaded, in all courts of this commonwealth, and have and use a common seal, and alter the same at pleasure.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each, and be entitled one vote for each share.

Commissioners.

§ 3. That A. J. Whipps, Thornton Norris, Allen Pompelly, M. M. Pompelly, John A. Coburn, Theoderick Owens, M. H. Barret, and W. L. Savage are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock, at such time and places as they, or any four of them, may deem expedient; and so soon as one thousand dollars may be subscribed, the directors may be elected, and the road commenced; and so soon as two and a half miles are completed, the directors may erect a gate, and charge half tolls.

§ 4. That all the rights, privileges, and liabilities that are conferred on the Maysville, Orangeburg and Mount Carmel turnpike road company, by the act incorporating said company, approved March 1, 1850, are hereby conferred on the Germantown and Gault's mill road company.

Approved March 11, 1851.

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CHAPTER 406.

AN ACT to amend an act, entitled, an act to incorporate the Literary Institution of St. Magdalen, approved December 19, 1839.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the literary institution heretofore known and called by the name of the literary society of St. Magdalen, in Washington county, shall hereafter be known and called by the name of St. Catharine of Sienna.

Approved March 11, 1851.

CHAPTER 407.

AN ACT to incorporate the University of Paducah.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an institution of learning shall be and the same is hereby established and incorporated in the town of Paducah, and that James B. Husbands, Berry Hodge, William F. Norton, R. Saunders, and William Smedley shall be and they are hereby appointed trustees of said university, and shall have perpetual succession; and that they, and their successors in office, shall be a body politic and corporate, in law, under the name and style of the president and trustees of the university of Paducah; and, by that name and style, may sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, in all courts of law and equity of this commonwealth; and shall have power and authority to acquire and hold all such real and personal estate, money, goods, or chattels as may be necessary, convenient, and proper for all or any of the departments of the university aforesaid; and, by that name and style, shall also have power and authority to acquire and hold real and personal estate, sufficient to yield an annual income, rent, or interest not exceeding forty thousand dollars, and from time to time, if deemed expedient by them, to sell and convey the same, and to re-invest or dispose of the proceeds in such manner as the interest of said university may require; and shall have and use a common seal, and the same may alter or renew at pleasure; and may pass all needful and necessary by-laws and regulations, not contrary to the constitution and laws of this commonwealth, and may change, modify,

University
incorporated.

Corporate
powers.

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and repeal the same at pleasure, and re-enact others, from time to time, as the interests of said institution may require. And the president and trustees of said university of Paducah shall have full power and authority to establish all the departments of a university, for the promotion of every branch of science, literature, and the liberal arts; and, also, may establish faculties, professorships, lectureships, and tutorships, and alter or abolish the same at pleasure; and may appoint a faculty, professors, lecturers, and tutors thereto, and may remove any one or all of them at pleasure, and appoint others in their stead.

May appoint of
ficers & agents

§ 2. That the said president and trustees may appoint a treasurer, secretary, and librarian, and such other officers and agents as they may deem necessary, for the purposes of education and the prudential management of the fiscal and other concerns of said university; and may require bond and security from said treasurer, secretary, librarian, and other officers, for the faithful discharge of the duties imposed upon them. And the said president and trustees may grant and confer all degrees usually conferred in colleges or universities; and, generally, shall have and exercise all other powers and authority necessary and proper for an extended university of learning.

§ 3. That, at the next election of trustees of the town of Paducah, a poll shall be opened for the concurrence of the people, and the vote shall be taken for and against the acceptance of this charter; and, if accepted by a majority of the votes cast, then the trustees of the town shall, within the next thirty days thereafter, elect two additional trustees, who shall form the board of trustees, in connection with the five elected by the people heretofore; and thereupon said board shall meet and organize by the election of a president, from among the board or out of it, at their option, who shall serve such time as may be determined by the by-laws adopted by the board of trustees; after the election of president, the trustees shall divide themselves into seven classes, the first class to go out of office on the 1st day of June, 1852, the second class on the 1st day of June, 1854, the third class on the 1st day of June, 1855, the fourth class on the 1st day of June, 1856, the fifth class on 1st day of June, 1857, the sixth class on the 1st day of June, 1858, and the seventh class on the 1st day of June, 1859; and the trustees of the town of Paducah, (or mayor and council, as the case may be,) a majority concurring, shall fill all the vacancies which shall arise in the office of trustees, by the lapse of time; and those who are thus chosen shall hold their office for the term of seven years; and the trustees of the town aforesaid, a majority concurring, shall also fill all vacancies which shall arise from death, resignation, removal from the county, or otherwise, for the balance of the term of the trustee whose office shall be vacated:

Provided, that if the trustees of the town aforesaid shall, from any cause, fail to fill the vacancy within thirty days, the president and trustees of the university shall have a right to fill the same.

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§ 4. The president of the university shall hold his office for such term as may be fixed by the by-laws, or until vacated by death, resignation, or removal from the county, or by a majority of the trustees of the university; and, in case of vacancy, another president shall be elected, as indicated by the by-laws of the board aforesaid.

Term of office
of president.

§ 5. That the said president and board of trustees shall, at the close of each academic year, make a report of the condition of each department of the university, of the condition of the buildings, library, apparatus, &c., belonging to the same, to the trustees of the town of Paducah, who shall have the right, at all times, of enquiring into the same.

To make report
annually.

§ 6. That all gifts, grants, donations, endowments, and bequests, which may be hereafter made or granted to any one department of said university, or to any professorship, tutorship, or lectureship therein or thereof, shall be held by the president and trustees aforesaid, in trust for the department, professorship, tutorship, or lectureship, designated in such gift, grant, donation, endowment, or bequest, and shall be faithfully applied for the object designated, and none other: *Provided*, that such gifts, grants, donations, endowments, or bequests to said university, not designating the purpose for which made, shall be taken as made to the departments of the said university, other than the medical and law departments.

§ 7. That the pupils of one class of the academical department shall be entitled to attend, annually, without compensation, a course of lectures on anatomy and physiology, and a course on chemistry; and that one class of the law department shall have the right to attend, annually, a course of lectures on medical jurisprudence, also without compensation.

Who may at-
tend
gratis. lectures

§ 8. That if the people of the town of Paducah, at their next annual election of trustees of said town, vote for the acceptance of this charter, the present trustees of the male seminary shall, at the organization of the president and board of trustees, formally convey to the said president and board of trustees of the university of Paducah all the real and personal property then owned by the said male seminary of Paducah, including land and other property held and owned by said seminary; and the trustees of the seminary aforesaid, in conjunction with the trustees elected by the trustees of the town of Paducah, shall become the board of trustees of the university of Paducah, and proceed, as such, to elect officers, make laws, &c., as hereinbefore provided; and all the rights, privileges, and emoluments en-

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joyed by the said seminary shall be held and exercised by the university hereby incorporated.

§ 9. This act shall take effect from and after the day after the next election of trustees of the town of Paducah, provided, the citizens of said town, by vote as aforesaid, accept this charter.

Approved March 11, 1851.

CHAPTER 408.

AN ACT to incorporate the Louisville and Mississippi or Ohio River Railroad Company.

Name and style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of establishing a communication by railroad between Louisville and some convenient point on the Mississippi river, in the state of Kentucky, or on the Ohio river at some point west of the mouth of the Tennessee river, in said state, the formation of a company is hereby authorized, which, when formed, shall be a body corporate and politic, by the name and style of the "Louisville and Mississippi river railroad company," and shall have perpetual succession of members, and all the powers incident to a corporation of the kind, necessary to carry out the objects and purposes of its creation, such as the power to buy, receive by gift, grant, or otherwise, and to hold, sell, and convey any personal or real estate, or other property, to make contracts, sue and be sued in any courts of this commonwealth, to make by-laws and rules of conduct, which do not conflict with the constitution and laws of this state or of the United States; and to do all other lawful acts necessary and proper for the transaction of the business, or effectuating the purpose for which the company is incorporated; to have and use a corporate seal, and the same to alter or abolish at pleasure, or may act without seal.

Books to be opened for the subscription of stock

§ 2. That books for the subscription of the stock of said company shall be opened by the commissioners hereafter appointed, at such times and places as said commissioners, or any three of them, may designate; and, for that purpose, the following commissioners are appointed, to-wit: T. T. Taylor, William Cook, W. H. H. Taylor, H. Wright, Newton Wright, E. I. Bullock, Thomas James, R. F. Mayes, Lucien Anderson, W. G. Blount, R. K. Williams, W. W. Williams, Henry Hand, Ben. Edwards Grey, Jas. Guthrie, Levi Tyler, Samuel Foward, William Riddell, John P. Campbell, J. B. Bibb, Presley U. Ewing, J. W. Irwin, B. E. Pitman, R. E. Russell, Thomas Quigley, and H. P. Murrell; which commissioners, or any three of them, or any agent appointed by them, or any three of them, shall receive the subscription of stock in said company

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from any person or persons, corporations, or companies who shall offer to subscribe, until the whole capital stock shall have been taken. The said commissioners may cause books for the subscription of stock to be opened at any place or places as they may see proper, and may employ an agent or agents to superintend the same; and the books for such purpose may be kept open from time to time, until the requisite amount of stock shall have been taken, for the space of two years, or until the necessary sum shall be subscribed: *Provided*, that any subscription tendered at any time and place, other than that designated by the commissioners, and which may be accepted, shall be binding on the person or persons so subscribing, as though the same had been done regularly at some one of the places mentioned in this act. And if any of the commissioners appointed by this act shall die, resign, or refuse or fail to act, the other commissioners, or any three of them, may appoint another person in his stead.

§ 3. That the capital stock of said company shall be three millions five hundred thousand dollars, in shares of one hundred dollars each; and as soon as five thousand shares shall have been subscribed, the subscribers, their assigns and successors, shall constitute the said company, under the name and style aforesaid; and if more shares shall be subscribed than is authorized by this act, the said commissioners, or any three of them, shall reduce, by striking off in succession from the largest number of shares held by single subscribers, until the subscription be reduced to the proper number of shares, so as to equalize the stockholders as near as may be.

Capital stock.

§ 4. That upon each share subscribed there shall be paid, at the time, to the commissioners, or their agent, the sum of one dollar, and the residue thereof shall be paid in such instalments, and at such times as may be required by the board of directors of said company: *Provided*, no payment shall be demanded until at least thirty days' notice of the call or demand shall have been given by the board of directors, by publication in one or more newspapers published in any of the towns through which the line of road may pass; nor shall more than twenty-five per cent. of each share of stock be called for in any one year; but should the exigencies of the company require the payment of stock more rapidly than is provided herein, and the board of directors (the action of a majority of whom, in all cases, to be binding, unless otherwise expressly provided in this act,) shall have the power, if deemed expedient, to borrow, on the credit of said company, a sum of money not exceeding one million of dollars; and if any subscriber shall fail to pay any instalment, or part of his or their subscription, demanded according to the provisions of this section, the same may be recovered by suit in any court having juris-

How stock to be paid.

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diction in this commonwealth; and a copy of the order made by the directors in their book of proceedings, ordering the calls or instalments to be paid, sworn to by their clerk, or by any member of the board, shall be taken as evidence, in any suit brought to recover the said call or instalment, that the board of directors has complied with the provisions of this section in making the call; or in case the failure to pay such instalment or call, when the same shall have been demanded as above provided for, shall continue for a period of sixty days after the same is due, it shall be lawful for the board of directors to forfeit to the company the shares of the person or persons so neglecting to pay, or may sell the same for the benefit of the company; but the said board of directors may remit any forfeiture made under this section, upon such terms as they may see proper. And it shall be lawful to receive subscriptions to the capital stock of this company, payable in contracts, well secured, to build such parts of said road, or perform such labor in the construction thereof, as may be agreed on by the president and directors, or by a majority of them.

Stock to be taken in 10 years.

§ 5. That if the amount of stock herein declared necessary to the incorporation of said company shall not be obtained within ten years after the books are first opened, then this act, and all subscriptions under it, shall be null and void, and the commissioners shall, after paying the expenses of the business, return the residue of the money to the persons entitled thereto, in proportion to the sums paid in.

When company may be organized.

§ 6. That so soon as five thousand shares of the capital stock of said company shall be subscribed, the said commissioners, or any three of them, may call a general meeting of the stockholders at such time and place as they may appoint, and shall give at least twenty days' notice thereof in some one or more of the newspapers published upon the line of said road; at which meeting the commissioners shall lay the subscription books before the subscribers then and there present; and the subscribers or stockholders present, or a majority of them, shall have the power to elect from among the stockholders seven directors, by ballot, to manage the affairs of said company; and said directors, or a majority of them, shall have the power to elect a president from their own number, or from among the stockholders generally, and may fix a compensation for his services. At all elections, each stockholder shall be entitled to one vote for each share of stock owned by him, and every stockholder shall have the right to appoint any other person to vote and act for him as his proxy, provided the appointment be made in writing; and the commissioners, or a majority of them who may be present, shall be the judges of the first election of directors.

§ 7. The directors first elected shall continue in office for one year, and until their successors have been elected by the stockholders. That on the first Monday in June of each year, after the first election of directors, the stockholders shall have the right to meet and choose seven directors to serve as provided in the sixth section: *Provided*, that, after the first election, the president and directors (the acts of a majority, in all cases, to be binding, except when it is otherwise provided in this act,) may change the time and place of holding subsequent elections, by publishing such change as is provided for in the sixth section of this act, for at least thirty days prior to the election. They shall have the power to appoint judges of all elections, and to elect a president, either from among their own body or from the stockholders generally, and to allow him such compensation for his services as they may deem reasonable; and if vacancies shall at any time occur, they shall have the power of filling the same for the remainder of the term; and if, from any cause, any election authorized by this act shall not take place at the time specified, it shall be lawful for the president and directors to cause the same to be done within thirty days thereafter.

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Term of office
of directors.

§ 8. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the board of directors aforesaid, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' notice of the time, place, and object of such meeting, as provided for in the sixth section of this act; and if, at any such called meetings, a majority, in value, of the stockholders are not present in person or by proxy, the same shall be adjourned from day to day for the space of five days; and if, within that time, such majority does not appear, the meeting shall be dissolved.

General meeting
of stockholders.

§ 9. That at the stated annual meetings of the stockholders it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct account of the affairs of the company; and at any called meeting of the stockholders, as provided for in this act, they shall have the right to demand of the president and directors a full and clear exhibition of the affairs of the company; and they shall have power, at all such called meetings, to remove the president or any of the directors, and to fill their places for the balance of the term.

Annual state-
ment to be made

§ 10. The president and directors shall each, before he enters upon the discharge of his duties, take and subscribe the following oath: "I, A. B., do solemnly swear (or affirm, as the case may be,) that I will, to the best of my skill and ability, faithfully discharge my duties as a director (or president, as the case may be,) of the Louisville and Mississippi river railroad company;" which oath may be administered

Oath of officers.

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by any person having legal authority to administer oaths. The president and directors shall have the right to appoint a treasurer of said company, unless the stockholders see proper to elect one at any of their meetings heretofore provided for, which they shall have the power to do, whose term of office shall be the same, and subjected to the like control as that of any of the directors, and who shall take the like oath, and enter into bond with good security, and in such penalty, and with such condition as the president and directors may require, upon which a recovery may be had by the company, for any breach of the conditions thereof, in any court having jurisdiction thereof.

Books may be re-opened.

§ 11. That if the capital stock of the company shall not be fully taken, and the company shall organize, by electing a president and directors, as provided for in this act, the said president and directors shall have power to open books for the purpose of having the same taken, or to sell, or otherwise dispose of the untaken stock, for the benefit of the company, not under its par value; and the subscribers and purchasers of such untaken stock shall have all the rights of original subscribers, and subjected to the same regulations.

May appoint all necessary officers & agents.

§ 12. That the president and directors may appoint all such officers, agents, and servants as they may deem necessary for the business of the company, and may remove them at pleasure. They shall have power to contract with any such officer, agent, or servant in regard to his or their compensation, and may regulate, by by-laws, the manner of adjusting all accounts against the company. That they shall have power to erect warehouses, workshops, depots, and all other buildings necessary for the transaction of the business of said company. They shall have power to direct and regulate in what manner, and by what evidence stock in said company may be transferred; and to pass all by-laws which they may deem necessary for the management, business, and conduct of said company, and for accomplishing the object, for which the company is created: *Provided*, that the same shall not be contrary to the laws and constitution of this state or of the United States.

Capital stock may be increased.

§ 13. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors of said company to increase the same by the addition of as many shares as they may deem necessary, not exceeding two million of dollars, giving notice as hereinafter prescribed.

Inverted with powers necessary to build the road.

§ 14. That the said president and directors are hereby vested with all necessary powers and rights to enable them to locate and build said road, the track or tracks of which is not to exceed one hundred feet; they have power to make as many sets of tracts as they may deem necessary.

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They shall have full power to enter into contracts with any person or persons, or companies, for the building said road, or for furnishing any materials, or for doing any work thereon, or for the use of the same; and they, their engineers, agents, and servants, and all persons acting by their authority, may enter upon, use, excavate any land or earth, timber, granite, stone, or other material which may be wanted for said road in its construction or repair, or the erection of warehouses, or other structures or works necessary or useful in the construction, repair, or the use of the said road, or of its works or appurtenances: *Provided*, the same do not obstruct or injure the navigation of any navigable stream.

§ 15. That the president and directors of said company may agree with the owner of any land, earth, timber, granite, stone, or other materials, for the purchase or use of the same, or for the right of way for the said road over the lands of any person or persons; and if they cannot agree, or if, for any reason, the same cannot be obtained by contract, application may be made to any justice of the peace of the county in which the land or materials may be situated, who, thereupon, shall issue his warrant, directed to the sheriff of his county, requiring him to summon a jury of twenty *bona fide* housekeepers, not related or in anywise interested, to meet on the land or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if any of the jurors shall fail to attend, said sheriff shall forthwith summon as many jurors as may be necessary, with those in attendance, to complete the panel aforesaid; and from them each party, or the attorney or agent of either party, if present, if not, then the sheriff for the party absent, may strike off four jurors each, and the remaining twelve shall act as the jury of inquest of damages, after having been sworn by the sheriff, justly and impartially to fix the damages which the owner or owners shall sustain by the use and occupation of the land or other property required by the company. In estimating the damages, the jury shall take into consideration the benefits resulting to the owner from conducting said road by, through, or near the property of said owner, but only in the extinguishment of damages. The jury shall reduce their verdict to writing, and sign the same, and it shall be returned by the sheriff to the clerk of the circuit court for said county, who shall docket the same as other suits, giving it the precedence of all civil business; and upon the call of the docket, the court shall enter an order confirming the said inquisition, unless defense be made, and sufficient cause be shown against it; and when so confirmed, the clerk shall enter it of record at the expense of the company; but if set aside, the court may direct another inquisi-

Power to take
releases of right
of way.

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tion to be taken in the same manner. Such inquisition shall describe the property taken, or the bounds of the land taken, and the extent and duration of the interest in the same; and such damages, when tendered or paid to the owner or owners of said property, or his, her, or their agent or legal representative, or to the clerk of said court for the use of any such owner, when he, she, or they may refuse to receive the same, or reside out of the county, shall, *ipso facto*, vest in the company the right to the property, or to the use of the same, to all intents and purposes, as fully as if the same had been acquired by valid conveyance.

Duty of company when road crosses other roads.

§ 16. That in all instances where the said road shall cross any other established road or way, it shall be the duty of said president and directors to provide a safe and easy crossing, so as not to obstruct or impede the passage of persons, carriages, or property over the same; and when it shall be necessary to pass through the land of any person, they shall provide for such person proper wagon-ways across said road from one part of the land to the other; and if the company shall fail of their duty in any of these particulars, they shall be liable to be proceeded against in regard to public roads and passways, as other persons are now by law for similar offenses; and as respects the owners of land through which the said railroad may pass, the company shall be liable for damages, at the suit of the owner or occupier of said land.

Proceedings when earth or land to be condemned.

§ 17. That whenever it shall be deemed necessary, by said president and directors, to have, use, or occupy any land, earth, gravel, stone, timber, or other materials for the construction or the repair of said road, or works, or buildings connected with the same, and where the same, for any cause, cannot be procured by contract, it shall be lawful for them to cause a jury to be summoned, as provided for in the sixteenth section of this act; and when the jury shall agree upon their verdict, as therein provided, and the owner or owners of such property shall refuse to stand by the verdict, and receive the damages when tendered, it may be lawful for the president and directors to deposit the same with the clerk of the circuit court of the county, together with a bond with good security, conditioned that, in the event the finding of the jury shall be set aside by the circuit court, and a new inquest ordered, as provided for in the said sixteenth section of this act, the company shall pay whatever additional damages may be found against them upon said second inquest; and, thereupon, the company shall have the right to enter, take, and use the said property: *Provided*, that if, upon the second inquest, the damages assessed shall be less than the amount assessed upon the first inquest, the company shall have the right to receive back all the money so deposited with the clerk,

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except so much as may be required to pay the damages assessed upon the second inquest. The president and directors shall pay the costs of the proceedings upon the first inquest, and after that the question of cost shall be left to the judgment of the circuit judge. And in all proceedings under this section, as well as under the said sixteenth, the finding of the jury in the country shall not be set aside for the want of form, or for the want of a strict conformity to the provisions of this act; and it shall be the duty of the circuit court to confirm the same, unless it shall appear that there is fraud, or manifest injustice has been done.

§ 18. The president and directors shall have power to purchase and hold, and dispose of at pleasure, any real estate upon the line of said road, and any machines, wagons, vehicles, or carriages of any kind which they may deem proper for the purposes of transportation on said road; and they shall have the right to charge for tolls, and the transportation of persons, merchandise, and property of any kind upon the said road, the same rates which are now allowed to the Louisville and Frankfort railroad company, and no more. That it shall not be lawful for any other company, or any other person or persons, to travel upon or use any of the roads of said company, or transport persons or property thereon, without the license and permission of the president and directors thereof; and that the said road, with all the works, improvements, or profits, and all the carriages, vehicles, and machinery of every kind and description, and all other species of property which the company may acquire, as connected with the said road, or its use, shall vest in said company forever, and shall never be taxed beyond the rate of tax imposed on real estate, estimated at the prime cost of the proposed works; nor will the general assembly of this commonwealth, for the space of thirty years, authorize any other railroad to be laid down on a parallel line with the one located by this company, extending from Louisville to the Mississippi river, in this state, approaching nearer than ten miles: *Provided*, full power is hereby reserved to this state to incorporate companies hereafter to build a railroad or railroads which may branch from the road hereby authorized to any other point or points in this state, or connected with, or cross the same: *Provided further*, that in forming said connection, or in crossing said road, no injury be done to the works of the company hereby created.

May dispose of real estate.

§ 19. That the president and directors shall, annually or semi-annually, declare or make such dividend as they may deem proper of the net profits arising from the resources of said company, after deducting the necessary current and probable contingent expenses, and the same to divide among the stockholders in proportion to their respective shares.

Dividends to be declared.

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Penalty for injuring the road.

§ 20. That if any person or persons shall willfully or negligently, by any means whatsoever, injure, impair, or destroy any part of said road, or its fixtures, any of the buildings, carriages, machinery, or works of any kind connected with said road, or for the use of the same, in any way whatsoever, shall be liable to a suit for damages commensurate with the injury done, and for as much more as the jury, in their discretion, may see proper to assess, and, also, shall be subject to an indictment by the grand jury of the county in which the offense may have been committed, and, upon conviction of such offense, be imprisoned in the jail of said county and in the penitentiary of the state for any length of time not exceeding four years, in the discretion of the jury.

When company may commence business.

§ 21. That so soon as the company shall complete five miles of said road, they may commence and prosecute their business upon the terms and provisions herein enacted, as though the whole road had been completed.

Approved March 11, 1851.

CHAPTER 409.

AN ACT to amend an act, entitled, an act to incorporate the Linden Grove Cemetery Company, approved March 5, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act to which this is an amendment, shall be and the same is hereby continued in force, with all the rights, privileges, and immunities therein granted to the said Linden Grove cemetery company; and the further time of one year is hereby allowed the corporation to organize the said company, as provided for in said act.

Approved March 11, 1851.

CHAPTER 410.

AN ACT to amend an act, entitled, an act to reduce into one the several acts concerning the town of Portland, approved March 2, 1850.

May issue bonds for extending the wharf.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the trustees of the town of Portland, by the unanimous consent of said board of trustees, to issue bonds of said town, upon the credit of said corporation, for the purpose of finishing and extending the wharf, and for making plank, gravel, or turn-pike roads from Portland to the city of Louisville, within the limits of said town of Portland: *Provided,* the amount of bonds to be issued shall not exceed twenty-five thousand dollars, bearing interest at the rate of six per cent. per annum, and redeemable in not less than five years nor more than twenty years.

§ 2. There shall be a police judge elected by the qualified voters of said town on the second Monday in May, 1851, for the term of four years, and until his successor be duly qualified. The police judge, before he enters upon the duties of his office, shall take an oath before some judicial officer, or justice of the peace for Jefferson county, to discharge the duties of his said office faithfully and impartially, to the best of his abilities, without favor or affection, together with such other oaths as are by law and the constitution required. Said police judge shall have jurisdiction, within the limits of said town, of all causes, civil and criminal, in which justices of the peace have jurisdiction, except as a court of inquiry in criminal causes, in which he shall have the jurisdiction of two justices of the peace, and shall proceed in like manner. He shall have jurisdiction of all offenses arising under the by-laws and ordinances of said town, and shall have power and authority to grant injunctions and restraining orders in chancery, writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain justices of the peace to grant restraining orders, injunctions, writs of *ne exeat*, &c. It shall be the duty of said police judge to keep a fair record of his proceedings, and copy and certify the same in such manner as justices of the peace copy and certify their records; and such records shall be evidence, and have the same effect as records of justices of the peace. Said police judge shall have power to compel witnesses to attend and give evidence in cases pending before him, and to fine and imprison for a contempt: *Provided*, the fine in no case shall exceed ten dollars, and the imprisonment longer than twelve hours. He shall be a conservator of the peace, and shall, *ex officio*, proceed against the violators of the by-laws and ordinances of said town, without the need of an informer. It shall be lawful for said police judge to take depositions, and administer oaths, and certify the same, in all cases where oaths are provided for by law. He shall be entitled to the following fees, to-wit: for granting injunctions, restraining orders, writs of *ne exeat* or *habeas corpus*, each, fifty cents; for a peace warrant, one dollar; for a warrant for any of the violations of the by-laws or ordinances of said town, fifty cents; for issuing a warrant for a breach of the peace, riot, rout, or unlawful assembly, fifty cents; for swearing a jury, and presiding over the trial, twenty-five cents; for issuing subpoenas, each, fifteen cents; for each judgment in all civil cases, twenty-five cents; all other fees shall be the same as are allowed by law to justices of the peace. He shall have power to issue fee bills, and collect them, in the same manner as justices of the peace collect their fee bills; and there shall be the same right of appeal from the judgment of said police judge, in all cases where he exercises

1851.

Police judge
to be elected.Jurisdiction
and powers.

His fees.

1851.

the jurisdiction of a justice of the peace, and under the same rules and regulations.

Town marshal
to be elected.

§ 3. There shall be a town marshal elected by the qualified voters of said town, on the same day the police judge is elected, who shall hold his office for four years, or until his successor be qualified; said marshal shall, in addition to the duties which may be imposed upon him by the board of trustees, execute all process emanating from the police judge of said town, and the process of any justice of the peace of Jefferson county residing in said town, and make due return thereof, as the marshal of the police court, or for executing writs issued by justices of the peace. He shall be allowed the same fees as are allowed by law to constables. Said marshal shall have power to arrest all riotous and disorderly persons within the limits of said town, and take them before the police judge, or, in his absence or inability to attend, before some justice of the peace residing in town; as the marshal of the town, he shall be allowed such compensation as may be allowed by the board of trustees. He shall, for malfeasance in office, or neglect of duty, as the marshal of the police court, be removed according to the manner prescribed by the constitution of Kentucky; but, as the marshal of the town, he may be removed by the board of trustees, a majority concurring.

Trustees may
hold land for a
burial ground.

§ 4. The board of trustees of said town shall have the power to purchase and hold for the use of town, any quantity of land not exceeding twenty acres, to be used as a burial ground, and for other public purposes; and may make all useful and needful regulations for the use and preservation of the same: *Provided*, the same shall not be more than two miles from the limits of said town.

May license
vehicles.

§ 5. The board of trustees shall have the power to license, annually, all vehicles running for hire or profit within the limits of said town, or from said town to any place beyond: *Provided*, they shall not charge less than two dollars or more than twenty dollars.

§ 6. That all acts and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

Approved March 11, 1851.

CHAPTER 411.

AN ACT to authorize the sale of the Parsonage of the Glasgow Circuit of the Methodist Episcopal Church, South.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That D. C. Walton, J. W. Pemberton, Drury Roberts, and G. H. Walton, trustees of the house and lands belonging to the parsonage of the Glasgow circuit of the Louisville conference of the methodist episco-

pal church, south, be and they are hereby authorized to sell said house and land, and that they sell the same at public auction to the highest and best bidder, either for cash in hand or upon such terms as said trustees shall determine on, taking from the purchaser, if they shall sell on time, bond with good security for the purchase money.

§ 2. That said trustees shall pay over to the quarterly conference of said church the proceeds of the sale of said house and land, to be disposed of by said quarterly conference in such manner as it may choose.

§ 3. That said trustees shall have power and authority to convey to the purchaser of said house and land all the right and title that said church now has to said property.

Approved March 11, 1851.

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CHAPTER 412.

AN ACT to incorporate Blandville Lodge, No. 142, of Free and Accepted Masons.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Blandville lodge, No. 142, of the masonic fraternity, of the town of Blandville, in Ballard county, be and the same are hereby created a body politic and corporate, by the name and style of Blandville lodge, No. 142, with perpetual succession; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may now have, or hereafter acquire.

Members incorporated.

§ 2. That the management of the concerns of said corporation shall be and is hereby vested in Charles Wickliffe, Samuel H. Jenkins, G. W. Boyd, Walter W. Adams, and William Coffee, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

Trustees.

§ 3. That the trustees named in the second section of this act shall hold their office until the 24th day of June, 1852, when the members of said lodge shall elect five trustees, and continue to hold their elections for trustees on the 24th day of June in each year thereafter: *Provided*, that said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of this state, as may be necessary to the management and safe-keeping

Term of office.

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of the property and other interest of the lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance; and the legislature reserves to itself the right to alter, amend, or repeal this act at pleasure.

Approved March 11, 1851.

CHAPTER 413.

AN ACT for the benefit of the Sheriff of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William J. Sandford, late sheriff of Boone county, have the further time of two years to collect the taxes, fee bills, and muster fines in his hands uncollected, in the manner provided by law for the collection of taxes, fee bills, &c.

Approved March 11, 1851.

CHAPTER 414.

AN ACT to amend the charter of the Clear Creek Turnpike Road Company, of Shelby county.

May pay for
stock in work.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate the Clear creek turnpike road company, of Shelby county, approved March 7, 1850, be so amended as to authorize the commissioners therein named to receive subscriptions for stock in said road, to be paid in work done upon the same, upon such terms and conditions as may be agreed on, in writing, between any such subscriber and said commissioners.

When the com-
pany may be or-
ganised.

§ 2. That the fourth section of said act be and the same is hereby so amended as to authorize said commissioners to call a meeting of the stockholders, and to proceed to the election of a president and four directors of said road, so soon as subscriptions, in money or otherwise, have been made sufficient to complete two and a half miles of said road.

Annual elec-
tion, when to be
held.

§ 3. The annual election for a president and four directors shall be held at such time and place as a majority of said commissioners may appoint: *Provided, however*, that the time and place of holding such annual elections shall be appointed and published by said commissioners prior to the first election held for the election of said officers.

The route, how
to be fixed.

§ 4. That after said road shall have been completed on the route designated in the original charter, from Shelbyville to the gate of Edward C. Payne, it shall be lawful for

the president and directors, for the time being, either to pursue the original route or location of said road, or to change and fix the location of the same upon the most judicious and practicable route, from said E. C. Payne's gate to John Tucker's blacksmith shop, on the western road leading from Shelbyville to New Castle.

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§ 5. That each subscriber for stock in said road, who is a resident of Shelby county, shall be entitled to the following exemption: from working on all other roads, so long as he shall continue to be a subscriber and citizen of Shelby county; as aforesaid, viz: one hand for each one hundred dollars worth of stock so owned.

Stockholders
exempt from
working on
roads.

Approved March 11, 1851.

CHAPTER 415.

AN ACT in relation to the Internal Improvement fund of McCracken County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, approved March 4, 1850, entitled, "an act for the benefit of the internal improvement fund of McCracken county," be and the same is hereby revived; and the commissioners appointed by said act, together with Berry Hodge, be and they are hereby fully empowered and directed to perform the duties assigned them by said act, on or before the second Monday in July, 1851.

Act of 1850 re-
vived.

§ 2. That in the event said commissioners shall fail to perform the duties assigned them by the first section of the above recited act, by the second Monday in July, 1851, it is hereby made the duty of the clerk of the county court of McCracken forthwith to inform the clerk of the county court of Ballard of such failure, who shall thereupon proceed, without delay, to perform all the duties which said commissioners were required to perform, agreeably to the provisions of the above recited act: *Provided*, that if the settlement shall be made by said clerk of Ballard county, and it shall become necessary to sue for any balance, said suit shall be commenced in the Ballard circuit court.

Duty of clerk
of McCracken
county court.

§ 3. That if any balance shall be collected from said board of commissioners, or treasurer, the same shall be appropriated according to existing laws: *Provided*, that nothing in this act shall be so construed as to authorize any suit to be brought to disturb, in any way, any settlement heretofore made by the internal improvement board of McCracken county with any of the creditors of said board.

The balance,
how to be ap-
propriated.

Approved March 11, 1851.

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CHAPTER 416.

AN ACT to incorporate the Peacock Coal Mining Company, of Owalee County.

Company in
incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert H. Crittenden, Harry I. Todd, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Peacock coal mining company; and, by that name, shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter or break the same at pleasure; may make all necessary by-laws for the transaction of the business of, and the government of said company, not inconsistent with the constitution and laws of this state, or of the United States.

Capital stock.

§ 2. That the capital stock of said company shall not exceed one hundred thousand dollars, which shall be divided into shares, subscribed and paid for in such manner as said company may prescribe by their by-laws.

May appoint
agents to man-
age its concerns.

§ 3. That said company shall have power to appoint any one or more of its members, or other person or persons to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which said company may adopt.

May hold real
estate.

§ 4. That said company may hold real estate, by lease or purchase, and such personal property as they may deem necessary or proper for carrying on the mining of coal, and transporting the same to market; and said company may acquire and hold, by lease or purchase, such lot or lots of ground as they may deem necessary for the establishment of depots for their coal.

Books may be
opened subject
to the inspection
of the members.

§ 5. That the said company, when fully organized, shall cause a book to be opened and kept, subject to the inspection of any member of said company, which shall contain the names of all the members, and the number of shares owned by each; and the said shares may be transferred on said book in the manner to be prescribed in the by-laws of said company; and each member shall share the profits and liabilities of said company to the extent of and in proportion to the amount of his capital stock owned in said company.

§ 6. The general assembly reserves the power to alter or repeal the charter hereby granted, at pleasure.

Approved March 11, 1851.

CHAPTER 417.

AN ACT to incorporate "Union College," in the town of Morganfield, in Union county.

Trustees incor-
porated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John T. Berry, Thomas S. Chap-

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man, Dr. John S. Chishere, Dr. Gibson B. Taylor, George Huston, J. A. Spalding, Jeff. Brown, and W. G. Hughes, who have united themselves together for the purpose of promoting education, and their successors, be and they are hereby created a body corporate and politic, with perpetual succession, to be styled the trustees of Union college, in Union county, Kentucky, with full power to acquire, hold, and transfer property, real and personal, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have, and use a common seal, and the same to break, change, or alter at pleasure.

§ 2. That the said Union college shall be located in the town of Morganfield, Union county, Kentucky, or within two miles of the same, at the discretion of a majority of the said trustees.

The College,
where located.

§ 3. That all the money, funds, and estate which said corporation shall acquire, shall be vested in said trustees, and to be held and used by them for the benefit of said institution of learning, and for the sole purpose of education: *Provided*, that the proceeds of the money, funds, and estate, so held by said trustees, shall never exceed twenty thousand dollars per annum, or be directed to any other purpose other than education.

All funds to be
vested in said
trustees.

§ 4. That said trustees, and their successors, shall have power to appoint a chairman out of their own number to preside over them in their deliberations relative to the business of said institution; and shall also have power to fill all vacancies that may occur in said body corporate.

May appoint a
chairman.

§ 5. That said trustees shall have power to appoint a president, and such professors of the various departments of learning to be taught in said institution, as they may think proper; and to appoint all such other officers as they may deem necessary for the management of the concerns of said institution, and remove the same at pleasure; and shall also fix the compensation which they shall severally receive for their services.

May appoint
president & pro-
fessors.

§ 6. That said trustees shall have power and authority to make all such by-laws, rules, and regulations for the government of said institution and the management of its concerns, as they may deem expedient, and to alter, annul, and amend the same at pleasure: *Provided, however*, that said by-laws, rules, and regulations shall not be repugnant to the laws of this commonwealth, nor inconsistent with the principles of this charter.

May enact by-
laws, &c.

§ 7. That said trustees, and the officers that they may appoint, including the president and professors of said institution, before they enter on the discharge of their several duties of their respective offices, shall severally take the following oath or affirmation, to-wit: "I do solemnly swear or affirm that I will, to the best of my skill and judgment, faithfully discharge the duties of said institution,"

Oath of office.

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which may be administered by any justice of the peace of said county.

§ 8. That a majority of said trustees shall constitute a quorum competent to do all the business belonging to or appertaining to said institution; and said trustees shall hold at least two stated meetings in each year, and shall, when necessary, appoint a chairman *pro tempore*, to preside over them, and also keep a record of their proceedings.

A transfer of
certain lands
authorized.

§ 9. That it shall be lawful for the trustees of the Union academy or Union seminary to transfer to the said trustees named in the first section of this act, all lands, lots, buildings, apparatus, and all other property, either real, personal, or mixed, or choses in action, now owned by said trustees; which shall be held and owned by said trustees, and their successors, for the sole use and benefit of said institution of learning hereby incorporated.

May confer
degrees.

§ 10. That said body corporate shall have power to confer such literary honors, degrees, and diplomas upon the pupils of said institution, as the president and professors of the several departments of learning may think them entitled to receive.

§ 11. The general assembly hereby reserves the right to alter, modify, or repeal this act at pleasure.

Approved March 11, 1851.

CHAPTER 418.

AN ACT to incorporate the Breckinridge Savings Bank.

Members
incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jo. Allen, Charles Hambleton, Jefferson Jennings, Francis Peyton, Jesse W. Kinchiloe, Samuel B. Abell, James A. Hambleton, Maurice Hensley, Rowland Hughs, Jo. Allen Peyton, Nathan Board, Samuel V. R. Board, John T. Smith, Jo. David Allen, Godfrey W. Taylor, Vivian Daniel, James Kenan, James G. Haswell, James M. Cox, William A. Burton, John Webb, J. Howard Thomas, David Ganaway, Philo V. Duncan, Stephen G. Scott, David R. Murray, Daniel J. Stephens, Allen Adkinson, Benedict Wathen, Davies E. Crawford, Samuel C. Crawford, Richard A. S. Brashear, Albert J. Abell, James Taylor, Ephraim Rusher, Elijah R. Eskridge, Williamson Cox, Gideon Jolly, Ezekiah Fisher, Lewis Fisher, Willis Hambleton, Dudley Hambleton, Peter Lyons, John McClarty, William Singleton, Pendleton C. Moreman, Richard M. Wathen, Wm. W. Moreman, Jno. Hardin, Jno. Elder, Tho. N. Warfield, Buckner Board, Peter Duncan, David Hernon, Geo. P. Duncan, Jno. B. Bruner, Jno. Dean, Perkins Kincheloe, Edmund Foot, Jno. Dent, Harrison H. Watts, Jesse Moorman, Somers Dean, and John S. Lightfoot, and

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all and every other person or persons, hereafter becoming members of the "Breckinridge savings bank," in the manner hereafter mentioned, shall be and are hereby created and made a corporation and body politic, by the name and style of "the Breckenridge savings bank;" and, by that name, shall have perpetual succession, and be capable, by law, to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in all courts of law and equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever; and to make, have, and use a common seal, and the same to change and renew at pleasure; and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of said corporation: *Provided, however,* that after the first election (hereafter provided for,) should any of the persons herein named decline to be members, by not depositing money in this institution, they shall cease to be members of the corporation, and the president and directors shall fill such vacancy or vacancies, by such person or persons as will become depositors therein.

§ 2. That there shall be a meeting of the members of said Breckinridge savings bank on such day in the month of March or April next, and at such place as the five persons first named in this act. or any three of them, shall appoint, notice of such meeting being given, by advertisement in three public places in the town of Hardinsburg, Cloverport, Stephensport, and Big Spring, at least ten days previous to such meeting, and on such day in the month of March or April next, and at such place annually thereafter as the by-laws of said institution shall provide, for the purpose of choosing from amongst the members nine directors, who shall choose a president from their body, (no member in any case having more than one vote,) to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place; and the five members first named shall be judges of the first election of directors; and the judges of all future elections shall be appointed by the board of directors, and notice of such election given in such manner as the by-laws shall provide; and in case of the death, resignation, or vacancy from any other cause in said board of directors, the remaining directors shall fill the vacancy or vacancies, from the members of said corporation, for the unexpired term or terms of the director or directors whose seat or seats have been vacated; and if the election, from any cause, shall not be made on the day designated, this corporation shall not, from that cause, be dissolved; but the directors then in office shall, by the same notice, appoint another day for holding said election.

Annual election
of directors.

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May appoint
all necessary of-
ficers & agents.

§ 3. That the president and directors for the time being, or a majority of them, shall appoint all such officers, agents, and servants as they shall deem necessary to conduct or execute the business and affairs of the institution, fix their compensation, and, in their discretion, to dismiss them; provide for taking bonds to the corporation from all or any of their officers, agents, or servants by them so appointed, with security, conditioned in such form as they shall prescribe, for the faithful execution of their several duties; and, to secure the corporation from loss, regulate the manner of making and receiving deposits, the form of certificates or shares to be issued to depositors, and the manner of transferring the same; provide for the investment of the funds of the corporation in such manner as they shall deem most safe and beneficial; provide for paying all necessary expenses in conducting the affairs of the corporation; and, generally, shall pass all such by-laws as shall be necessary to the exercise of the said powers, and of the other powers vested in said corporation by this charter, and the said by-laws, from time to time, to alter and repeal: *Provided*, that all such by-laws as shall be made by the directors may be altered or repealed by a majority of the members assembled at any annual meeting, or at any general meeting called in pursuance of any by-law made for that purpose; and a majority of the members may, at any annual or general meeting, pass by-laws which shall be binding on the directors: *Provided*, that such by-laws shall not be contrary to the laws of this state or of the United States.

May receive
deposits.

§ 4. That said corporation shall be capable of receiving, from any free person or persons, any deposit or deposits of money; and that all moneys so received, shall or may be invested in public stock, or other securities, at the discretion of the directors, and in the manner deemed most safe and beneficial: *Provided, always*, that such investment of the funds of the corporation shall be in the manner provided by the by-laws, and that no director or member shall be liable, in his person or property, for any debts, contracts, or engagements of the said corporation; but that the money, property, rights, and credits of said corporation shall be liable for the same, and nothing more: *Provided, also*, that no part of the funds of said corporation shall be loaned to any treasurer or other officer of said corporation.

A committee
of examination
to be appointed.

§ 5. That it shall be the duty of the directors, at least once every six months, to appoint, from the members of said corporation, five competent persons as a committee of examination; which committee shall appoint another committee of five persons from the depositors (who are not voting members) in said institution; which two committees, so appointed, shall investigate the affairs of said corporation, and make and publish a report thereof; and at any time it shall be required, by a majority of the members of

said corporation, there shall be, as aforesaid, an examination and report of the condition of said institution; and it shall be the duty of the directors, on the first Monday in January and on the first Monday in July, in each and every year, to make and declare a dividend of the interest and profits of said corporation, after paying its expenses, and the same to pay over to the stockholders and depositors, or their legal representatives, in thirteen days thereafter.

§ 6. That all bills and notes at any time discounted, or made payable to said institution, having the words "without defalcation" embodied in it or them, shall be put upon the same footing as foreign bills of exchange; and said institution is to calculate and charge interest according to the rules laid down in Rowlett's tables of interest, and as is usual on discounted notes, any law, custom, or usage to the contrary notwithstanding: *Provided*, there shall be no damage or any such bills or promissory notes discounted by said institution, and they shall have no greater dignity or priority of payment, in a regular course of administration, than other bills or promissory notes.

Rule as to charging interest.

§ 7. That said institution may receive deposits from minors, the consent of such minors' parents, guardians, or masters being given thereto, in writing; but shall not pay over such deposits to such minor or minors, or any part of the interest accruing thereon, until such minor shall have attained the full age of twenty one years, unless the parents, guardians, or masters of such minor consent thereto, in writing.

May receive deposits from minors.

§ 8. That this corporation shall not make or issue notes or bills of credit, in the nature of bank notes or bills, payable on demand or at a future day, to bearer or order; or in any other form; but they may, if found necessary, deal in bills of exchange, and draw for funds transferred to them, or in any manner to their credit, in any place whatsoever out of the county of Breckinridge; but shall in no event exercise any banking or other privileges, except such as are herein granted and provided for.

Shall not issue bills of credit.

§ 9. That should any person or persons, body politic or corporate, make any deposit or deposits of money, bank notes, or other valuable thing, in the office of the institution, on the terms and conditions that shall be published by the officers thereof, and, under the conditions of said deposit, draw for the same, and be refused payment thereof, or be unnecessarily delayed in receiving his, her, or their money, the said institution shall forfeit and pay to any such depositor damages at the rate of ten per centum per annum for the delay occasioned, to be recovered by an action, to be brought at the next term of the Breckinridge circuit court after such delay or refusal to pay; and should the corporation at any time fail to repay the deposits made with them, this act shall cease and determine; and, on the

Penalty for failing to pay any deposit.

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same being satisfactorily proved to the Breckinridge circuit court, the judge of said court shall appoint commissioners to take possession of the estate and effects of said corporation, and to divide the same among the creditors thereof in equal proportions to their several demands.

Certificates of membership to be issued in certain cases.

§ 10. That in the event of any member of this institution becoming owner of more than one share of the original sixty-two shares of stock, hereby incorporated, by purchase or otherwise, it shall be the duty of the directors, for the time being, to cause certificate or certificates of membership to be issued to a weekly depositor or depositors in said institution, creating them voting members of this corporation, in order that the number of voting members shall always be kept at the original number of sixty-two, herein incorporated. This charter shall continue for and during, and until the expiration of the year 1875, and no longer.

Approved March 11, 1851.

CHAPTER 420.

AN ACT to incorporate the town of Mountsterling.

Municipal affairs vested in five trustees.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the prudential, fiscal, and municipal concerns of Mountsterling shall be vested in five trustees, who shall be elected annually on the first Monday in June, by the voters who are duly qualified as such under the constitution, and by all white male citizens of the commonwealth of Kentucky, who are freeholders in said town; said trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and duly qualified. That said trustees, before they enter upon the duties of their office, shall take an oath before some justice of the peace, or police or other judge, that they will faithfully, and without partiality or affection to any one, discharge the duties of trustees to said town during their continuance in office.

Chairman to be elected.

§ 2. That said trustees, after their qualification, shall proceed to elect one of their number chairman, who shall preside at their meetings, and have power to convene the board, when, in his opinion, the interest of the town demands it. It shall be his duty to see that all the ordinances and by-laws of said town are duly executed.

Trustees incorporated.

§ 3. That said trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "the trustees of Mountsterling;" and, by that name, shall be capable, in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended, in all courts

and places; and do all acts, matters, and things which a body politic or corporate, having perpetual succession, can lawfully and rightfully do.

§ 4. That said trustees; or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and sidewalks of said town, or which may hereafter be opened, and may direct the improvements of the same as they may deem most beneficial to the interest of said town; they shall have power to levy and collect an *ad valorem* tax on the property in said town, not exceeding twenty-five cents on the one hundred dollars in any one year, and a poll tax on each white male over the age of twenty-one years not exceeding two dollars; they shall have power to tax auction sales, shows, and exhibitions for money or profit, such sum as they may deem proper and just, or as may be provided in their by-laws; they shall have the power to suppress all tippling and gambling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty dollars for each offense, except for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, tippling houses, and gambling houses, where the penalty may be one hundred dollars, which may be recovered before the police judge, hereinafter provided for, or any justice of the peace in Montgomery county; they shall have power to remove all itinerant free persons of color from within the limits of said town, and to annex such penalty as they may deem advisable, for any free negro in said town permitting any slave being at his or her house without the permission of the master of such slave; they shall have power to declare what are nuisances, and to remove the same; they shall have power to provide for the security of said town against fire, by organizing a fire company, defining their duties, and punishing, by fine, those who shall fail to perform the duties required of them; they shall have power to fine any trustee for not attending a meeting of the board, to fill all vacancies, to pass all by-laws and ordinances necessary for the carrying into effect all the powers herein granted, and executing all the provisions of this charter.

Trustees, their powers.

§ 5. That it shall be the duty of said trustees to appoint a clerk, treasurer, marshal, and such other officers as they may deem necessary, and take from them, respectively, bonds with approved security, payable to the trustees of Mountsterling; and their successors in office, in such penalty as said trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation of the condition of such bond, or the duties of such officer, suits may be brought and motions made before any tribunal having jurisdiction thereof, in the same manner, and under

Trustees to appoint town officers, &c.

1851.

Police judge
to be elected.Jurisdiction &
powers.

the same rules and regulations that suits are brought and motions made against other officers for failure of duty.

§ 6. That the persons entitled to vote for trustees of said town, shall, at the time and place of the election of trustees, and every four years thereafter, elect a judicial officer, to be styled the police judge of Mountsterling, who shall hold his office for the term of four years; and whenever a vacancy occurs in said office, by death or otherwise, it shall be filled by an election for the remainder of the term, upon due notice of the time and place of said election. That before he enters the duties of his office, the police judge shall take an oath before some judicial officer to discharge the duties of his office faithfully, and impartially, without favor or affection, to the best of his ability, together with such other oaths as are usually required of public officers, or such as the by-laws of said town may require. The said police judge shall have jurisdiction within the limits of said town, of all civil causes of which justices of the peace have jurisdiction, and of such other cases as the parties may agree to be returned before him, whether such cases, or the penalty to the same, be in said town or any where else in the county. In all criminal cases, the said police judge shall have the jurisdiction as a court of inquiry, now or hereafter given by law to two justices of the peace of said county, and shall proceed in like manner as said justices are required by law in criminal cases. He shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power to enter judgment and award execution accordingly. He shall have full power and authority to grant injunctions, attachments, restraining orders, writs of *ne exeat*, and *habeas corpus*, and to issue warrants in civil or criminal cases, to be served in the county aforesaid, under the same rules and regulations prescribed by the several acts authorizing justices of the peace to grant injunctions, attachments, restraining orders, with *ne exeat*, and *habeas corpus*, and to issue warrants; and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him, or to give their depositions, and, upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine, and imprison for contempt: *Provided*, the fine shall not exceed five dollars, nor the imprisonment eight hours. He shall have power to order the marshal to summon a jury in any case cognizable before him, when a jury would be necessary, before a circuit court or justice of the peace. He shall have power to take depositions, and certify the same, as justices of the peace now have, and his certificate to

such depositions shall have the same effect as though made by a justice of the peace. He shall be entitled to the following fees: for a peace warrant, or for a riot, rout, or unlawful assembly, or breach of the peace, fifty cents; for issuing any other warrant, twenty-five cents; for swearing a jury, and presiding over it, in any case except forcible entry and detainer, fifty cents; for the same in a case of forcible entry and detainer, or either of them, one dollar; for taking a recognizance to keep the peace, to be paid by the applicant, fifty cents; for granting an injunction, attachment, restraining order, or writ of *ne exeat*, twenty-five cents; for each subpoena issued, ten cents; for each judgment in a civil case, twenty-five cents; all other fees of said judge shall be the same as allowed by law to justices of the peace for like services, and shall be due and collectable in the same way.

§ 7. It shall be the duty of the treasurer and clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of the treasurer to render an account to the trustees of all moneys received and paid out by him, whenever required by them so to do.

Treasurer and clerk, their duties.

§ 8. The police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, deputy marshal, clerk, or other officers of said town, for all sums of money or other thing which may be due from them, or either of them.

Further duties of police judge.

§ 9. Either party to any judgment rendered by said police judge may appeal to the circuit court, under the same rules and regulations authorizing appeals from justices of the peace to that court.

Appeals.

§ 10. It shall be the duty of the marshal to serve all process and precepts to him directed from the said police judge, and make due return thereof; collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for and pay over the same to whosoever may be entitled thereto, under the same rules and regulations required of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands; and, for a failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against a sheriff or constable in similar cases. The said marshal shall have the same power, and be entitled to the same fees for collecting the town tax and levy, that sheriffs have for collecting the state tax and county levy; and, in all other cases, the same fees allowed constables in similar cases; *Provided, however*, said judge shall have power and authority to direct his process to be executed by any constable or the sheriff of Montgomery county. Said marshal shall be vested with all power and authority which is given consta-

Duty of marshal

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bles, in all cases cognizable before said police judge, or before a justice of the peace; he shall have power, if need be, to summon the aid of the county in executing any process to him directed; and any person failing to aid him, when so summoned, may be fined by said police judge, not exceeding five dollars, or imprisoned not exceeding eight hours.

Fines, &c., how
to be applied.

§ 11. That all the fines and forfeitures, for a violation of said ordinances or by-laws of said town, and in all cases cognizable before said police judge, shall be collected and paid to the treasurer of said board of trustees, for the use and benefit of said town; and all moneys collected by judgment of a justice of the peace, for a violation of any of the ordinances or by-laws of said town, committed within the limits of said town, shall in like manner be paid over to the treasurer.

§ 12. No money shall be drawn from the treasury, except by order of the chairman, in pursuance of allowances made by said board of trustees.

§ 13. The trustees shall have power to impose a tax upon all domestic animals running at large in said town.

Town assess-
or, his duties.

§ 14. The trustees shall annually appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, her, or their whole estate within said town, subject to taxation under the laws of this commonwealth, or any ordinance of said town; which list shall be taken in the same manner that the revenue lists are now or may hereafter be taken.

Duty of clerk.

§ 15. It shall be the duty of the clerk of the board of trustees to make out and deliver to the collector a fair copy of the assessor's books, with the amount of tax to be paid by each individual, and take his receipt therefor; and the trustees shall, by their warrant, authorize and direct the collector to collect the same; and shall make said clerk, assessor, collector, and other town officers such compensation as they may deem proper.

Trustees to re-
pair public well
and spring.

§ 16. The trustees shall have power to repair and keep in order the public wells and springs of said town, at the common expense; and they shall cause all the ordinances and by-laws passed by them to be recorded in the journal of their proceedings, and put up a copy of the same in the court house in said town; they may cause the side-walks in said town to be curbed and paved as they may direct, the cost whereof may be apportioned and assessed against the owners of said lots fronting said side-walks; or the trustees, in their discretion, may cause the lots to be rented out until said improvements shall be paid for. That said trustees shall have the entire control of the burying ground now used as a public burying ground; and they are hereby authorized to purchase other grounds for a grave yard

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or cemetery, and take the title to the trustees of Mount-sterling, which title shall continue in the trustees, as such, and their successors in office. The title to all property in said town, which is now in the trustees, shall continue in the trustees who may be such at the time, and all powers and authority which have been given them, not repugnant to this act, are hereby vested in the trustees under this act, and their successors in office. The trustees, in every year, ten days before the annual election, shall appoint two competent persons as judges of the election, who, after being duly sworn before a justice of the peace, or the police judge, shall, in conjunction with the clerk of said trustees, hold an election as heretofore provided: *Provided*, that if the trustees shall fail to appoint judges of election, as before stated, the county court of said county shall, at the next or some succeeding court, on the application of any person, appoint judges and a clerk to conduct said election, and fix a day therefor. The said trustees shall have full power to open any street or alley which may now, or shall hereafter be closed, if said trustees be of opinion the opening of such street or alley will add to the convenience of the public. The present board of trustees shall appoint the judges and clerk to hold the first election under this act.

§ 17. For any tax to be levied under this law, there shall exist a lien in favor of the trustees, until the same shall be paid; and in case the owners of property shall fail to pay their taxes on or before the first day of September in each year, it shall be lawful for the town collector to sell, at the court house door in said town, on some court day thereafter, so much of the personal or real estate of the person in default as will pay off and discharge the taxes of such defaulter due to said trustees, and which shall vest the purchaser with the title and right to hold the same: *Provided, however*, that the owner of such real estate, so sold, or any person under him, shall have the right to redeem such estate by paying the purchase money, and twenty per cent. interest thereon, within one year from the day of sale; which may be paid to the purchaser, if in town, and he will receive it, or to the clerk of the board of trustees; but should the owner fail to redeem such real estate within one year, the trustees shall thereafter, upon the request of the purchaser, or any one under him, convey the estate, so sold, to the purchaser, or those under him, as the case may be.

Powers in relation to town tax.

§ 18. That the trustees to be elected under this act shall reside within the limits of said town at the time of their election, be free holders therein, and a majority may constitute a board to do business; they may, from time to time, fix and regulate, by their by-laws, the times and

Qualifications of trustees.

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places of the regular meetings; and they may prescribe the mode in which special meetings are to be held.

May repair &
improve streets.

§ 19. The legal title to all the streets and alleys in said town, and all the real, personal, or mixed estate which now does, or hereafter may belong to said town, shall be vested in the trustees, and their successors in office, so far as may be necessary to keep the same in repair, or to improve the same; and they shall have authority to institute any action which a private individual could do, who might be the owner of real property, under like circumstances; and the police judge shall have jurisdiction of all suits by the trustees where the amount in controversy shall not exceed one hundred dollars. The police judge shall have a jury to try all matters before him, if desired by either party, when the controversy amounts to more than sixteen dollars.

May tax and
license taverns.

§ 20. The trustees of said town shall have the right to tax, and the exclusive right to license all taverns, groceries, victuallers, confectioneries, retailers of spirituous liquors, alleys for nine or ten pins, and all other houses of public resort in said town, except gambling houses or houses of ill fame, and fix the tax therefor, in a sum not exceeding one hundred dollars per annum, and to discontinue any of said licenses at pleasure: *Provided, however*, that the clerk shall pay to the trustee of the jury fund for said county, the sum of ten dollars for each tavern license in said town, each year; and any law giving the county court of said county authority to license taverns in said town, is hereby repealed; but the license which any tavern keeper has obtained shall be good until the time shall have expired for which he obtained it. Whenever any prosecution is instituted and carried on at the instance of the trustees, the warrant shall state it issued at their instance, in which case they shall be entitled to the fine or penalty recovered; but if the prosecution fail, they shall pay the cost.

May borrow
money.

§ 21. The trustees of said town shall have power to contract debts, by borrowing money, or otherwise, to improve the streets and alleys of said town, or other public improvements for the benefit and advantage of said town, and to give bonds for the same, never, however, to bear a greater interest than six per cent.; that provision shall be made by said trustees for the payment of the interest on all such debts as may be contracted, and to create a sinking fund by which the principal of such debts shall be paid: *Provided, however*, that said trustees shall have no power to create any debt, by borrowing money, exceeding one hundred dollars, without the approval of all the voters entitled to vote for trustees who may vote on the question of borrowing money; and to ascertain the will of the voters, a poll may be opened in the same way as for the election of

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trustees, and under like rules and regulations, and not to be closed sooner than five o'clock in the afternoon; and when a majority of those who vote shall be in favor of borrowing money for such improvements, the trustees may proceed to do so: *Provided, however*, the sum to be borrowed shall be stated before the poll is opened, and the trustees shall have no authority to borrow any larger sum; the bonds to be signed by the chairman and countersigned by the clerk.

§ 22. The treasurer, every year, before the election of trustees comes on, shall make a public expose of the financial condition of said town, and therein exhibit the receipts and expenditures for the last fiscal year.

Treasurer's duty

§ 23. The marshal, with the consent of the trustees, may appoint a deputy marshal, who shall take such oath as the trustees may require and prescribe; and for his official acts, the marshal shall be responsible, under the same rules and regulations as sheriffs are responsible for the acts of their deputies.

Marshal may appoint deputy.

§ 24. That whenever the voters may desire it, they may elect the marshal, clerk, treasurer, and assessor; but this wish must be made known to the trustees by petition, to be presented at least one month before the succeeding election, to be signed by a majority of the voters.

Voters may elect officers.

§ 25. That nothing in the twentieth section of this act shall be so construed as to authorize the trustees to prohibit the sale of spiritous liquors by merchants, as now authorized by law; and no license granted by said trustees for the keeping of taverns, groceries, victuallers, confectioneries, establishments for retailing liquors, alleys for nine or ten pins, or any public house, shall authorize the person to whom license may be granted to sell spiritous liquors before such person shall obtain a license from the clerk of the Montgomery county court, authorizing such sale for the period of one year; nor shall the owner of a nine or ten pin alley use the same for profit, by virtue of such license from the said trustees, until such owner shall obtain a license from said clerk, authorizing the use of said nine or ten pin alley for one year; which license said clerk shall issue upon the payment, by such owner, of fifteen dollars, and upon the payment, by such holder of the license for the sale of spiritous liquors, of the sum of ten dollars; which sum, so received by said clerk, he shall pay to the trustee of the jury fund.

Prohibition.

Approved March 12, 1851.

CHAPTER 421.

AN ACT for the benefit of Joseph A. Vance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be directed to draw

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his warrant on the treasurer, in favor of Joseph A. Vance, for the sum of one hundred and fifty-six dollars and eight cents, to be paid out of any money in the treasury not otherwise appropriated, being the amount of loss sustained by said Vance by reason of an attachment against his goods in the Warren circuit court; the said goods having been deposited in a warehouse, and stolen by burglars whilst in the custody of the law and beyond the control of said Vance.

Approved March 11, 1851.

CHAPTER 422.

AN ACT for the benefit of the Danville and Hustonsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the president and directors of the Danville and Hustonsville turnpike road company be and they are hereby empowered to borrow such sum or sums of money as may be necessary for the completion of the aforesaid road: *Provided*, that the sum or sums, so borrowed, shall not exceed the sum of one hundred thousand dollars, nor be borrowed at usurious interest; and before any such sums of money shall be borrowed by the president and directors, they shall be directed so to do by a majority of the stockholders of said company.

Approved March 11, 1851.

CHAPTER 424.

AT ACT to authorize the city of Louisville to subscribe stock in certain Railroads.

Authorized to
take stock in
certain rail-
roads.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the mayor and council of the city of Louisville shall be and are hereby vested with power and authority to subscribe, in the name of the city of Louisville, not exceeding three hundred thousand dollars to the stock of the Jeffersonville railroad company, and not exceeding one hundred thousand dollars to the stock of the Maysville and Lexington railroad company, and pay for said stock in the bonds of the city of Louisville, payable at thirty years after date, with interest at six per cent. per annum thereon, payable half yearly; interest and principal payable in New York, or other eastern cities. The said subscriptions shall be on such terms and conditions as the city and the respective companies, in writing, may agree upon. And the stock and dividends in the respective companies shall stand pledged for the payment of the interest and principal of the bonds issued to such company;

and the surplus dividends on such stock, after paying the interest, shall be applied, from time to time, in the purchase and withdrawal of said bonds, in such manner, and under such direction as the respective companies may, in said writing, agree; and said writing shall also stipulate how the interest on said bonds shall be raised, until the dividends on the stock be sufficient to pay said interest.

§ 2. That the mayor and council of the city of Louisville shall be and are hereby vested with power and authority to subscribe, in the name of the city of Louisville, not exceeding one million of dollars in the Louisville and Nashville railroad company, and to pay for five hundred thousand dollars thereof in the bonds of the city, payable thirty years after date, with interest at the rate of six per cent. per annum, payable half yearly; interest and principal payable in New York, or any of the eastern cities; and to raise the other five hundred thousand dollars as provided in the 6th, 7th, and 8th sections of an act, entitled, "an act to amend the charter of the Frankfort and Louisville railroad company," approved the 29th day of February, 1848, which sections are hereby re-enacted and made applicable, in all respects, as to the raising and distributing, amongst those paying the tax, this five hundred thousand dollars to the Louisville and Nashville railroad company; and the mayor and council of the city of Louisville shall have power and authority to subscribe any additional sum or sums they may deem proper, to any branch or branches of said road, and pay for such additional subscription, in whole or in part, by the bonds of the city, in the manner as above provided, or, in whole or in part, by taxation, as above provided; the said subscription shall also be on such terms and conditions as the mayor and council of the city of Louisville and the Louisville and Nashville railroad company may, in writing, agree; and the stock paid for in bonds, and the dividends thereon, shall stand pledged for the payment of the interest and principal of said bonds to the company; and the surplus dividends on such stock, after paying the interest, shall be applied, from time to time, in the purchase and withdrawal of said bonds, in such manner, and under such directions as said company may, in said writing, agree; and said writing shall also stipulate how the interest on said bonds shall be raised until the dividends on the stock shall be sufficient to pay the interest; and the mayor and council of said city of Louisville may subscribe not less than one hundred thousand dollars of the above million of dollars to organize the company, and afterwards include it in their agreement, as provided in this section.

§ 3. That no subscription shall be made, under the first and second sections of this act, until after the mayor and council of the city of Louisville shall have passed an ordi-

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May take stock
in the Louisville
and Nashville
railroad.

The question
to be first sub-
mitted to a vote
of the city.

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nance authorizing the same to be made, and prescribing the terms and conditions upon which it is proposed to make such subscription, and payment therefor; and if it is proposed to provide for the payment by taxation, such ordinance shall specify the descriptions of property upon which the tax shall be assessed, and the rate per cent. of said tax, which tax shall be levied on such property as may be subject to state taxation; nor until after such ordinance shall have been published at least ten days, in at least one of the daily public newspapers printed in the city of Louisville; nor until, on a day designated in such ordinance, and after the publication provided for, as above, the question as to such subscription shall have been submitted, in such form, and under such regulations as may be provided by said mayor and council, to a vote of the voters of Louisville qualified to vote for members of the general assembly of Kentucky, in the several wards, and at the usual places of voting in said city. And if, after a submission to the voters, as aforesaid, a majority of the votes cast for and against the same shall be cast for it, then the mayor and council of said city shall make such subscription, on the terms and conditions set forth in the ordinance authorizing the same, and not otherwise.

Stock, how to
be divided.

§ 4. That should any part of the principal or interest of the bonds of the city of Louisville, given in payment of this stock, or any stock authorized to be subscribed by the first and second sections of this act, or now subscribed in the Louisville and Frankfort railroad company, or hereafter subscribed in said road and paid for by taxation on the property of the inhabitants of said city, or those having property therein, then, and in all such cases, all the stock obtained for the payment of the interest and of the principal shall be divided *pro rata* amongst those paying the tax, in the same manner that stock paid for by taxation in the Louisville and Frankfort railroad company has been distributed amongst those paying for the same by taxation; and the provisions of the Louisville and Frankfort railroad company, upon this subject, shall also be in force for the purpose of carrying out this provision.

§ 5. The provisions of the fourth section of this act shall not operate so as to subject to *pro rata* distribution among the tax paying citizens of Louisville, any stocks or bonds held in the Louisville and Frankfort railroad, by the mayor and council of the city of Louisville, not now subject to such distribution, without the express assent of the mayor and council of said city.

Approved March 15, 1851.

CHAPTER 425.

AN ACT to incorporate the Deposit Bank of Maysville.

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§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established the "Deposit Bank of Maysville," with a capital of fifty thousand dollars, in shares of fifty dollars each, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style aforesaid, and shall so continue a body politic and corporate until the first day of June, 1880; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever, as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, (provided the value thereof shall not exceed ten thousand dollars,) or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; and said institution may have and use a common seal, change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules, and regulations for the government of the same as may be deemed necessary: *Provided,* they be not contrary to the constitution and laws of this state or of the United States.

Bank established.

Corporate powers.

§ 2. That the business of the institution shall be to receive money on deposit, upon which it shall pay an interest to the depositor of not more than six per cent., nor less than two per cent. per annum, as it may choose, dependent upon the length of time for which said deposit may be made; to loan money, discount promissory notes and bills of exchange; the promissory notes made payable to any person or persons, or order, or payable to this institution or order, and negotiable and payable at their banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had, jointly and severally, against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes; and the said institution shall not, directly or indirectly, deal or trade in any

Business of the bank.

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thing except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattels, rights and credits really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

Not to owe
more than twice
amount of capi-
tal paid in.

§ 3. The institution shall not at any time owe, either by bond, bill, note, or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposit; and, in cases of excess, the president and directors under whose administration it shall have taken place, shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them, or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, that if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or dissent thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county, and, moreover, within ten days give notice thereof in some newspaper printed in Maysville, and transmit a copy thereof to the governor of this state, and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

Penalty for
failing to redeem
its deposits.

§ 4. Said institution shall not, at any time, fail or refuse to pay its deposits in gold or silver, or currency of the like kind and value of that deposited; and, in case the officers, in the usual business hours at their banking house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages, at the rate of twelve per cent. per annum, on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same shall be forfeited, and a *scire facias* shall be sued out in the name of the commonwealth, by the attorney general, and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said institution from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contract that may be convenient and proper for that purpose.

Proceedings
thereon.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of the said institution shall be under the direction and control of five directors, who shall be stockholders, and, after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and after the first election they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right. They shall hold their offices for one year, and until their successors shall be chosen. All elections, after the first, shall be conducted by two at least of the stockholders, acting under oath, appointed by the directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public after they are taken. No director or officer of any bank shall be eligible as a director in this institution, and any director becoming a director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a director in a bank, be eligible as director in this institution, at one and the same time; and if the president or any director or officer of the institution shall fail or become insolvent after his election or appointment, he shall become incapable to serve, and shall be held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business be eligible to the office of president, director, or other officer, until all his debts are paid, or he be fully discharged therefrom. If, from any cause, an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday in June following; and said election shall be conducted as required in the regular elections.

§ 6. That at all meetings of the stockholders, and at all elections under this charter, each shareholder shall be entitled to one vote for every share held in his own right, up to ten; one vote for every five shares over ten, up to fifty, and one vote for every ten shares over fifty. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote, at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy; such proxy being granted to a stockholder who is not either president, director, or other officer in the same; and no person who is not a citi-

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Business to be
conducted by
five directors.

Elections, when
to be held.

Eligibility of
directors.

Right of va-
ting regulated.

1851.

zen of the United States shall be permitted to vote on his stock.

President, how
to be elected.

§ 7. That the directors shall elect one of their own number as president, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the directors shall elect a president, *pro tem*. They shall fill all vacancies which may occur in their own body, and appoint such officers, clerks, and servants as are deemed expedient; fix their compensation, define their powers and prescribe their duties, and shall require of them such bonds, penalties, and securities as are deemed requisite for the security of the institution; which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss; and all such officers shall hold their places during the pleasure of the board.

Directors may
pass by-laws.

§ 8. The president and directors (any three of whom may constitute a quorum for the transaction of business,) may, from time to time, make such by-laws, rules and regulations for the government of the institution as deemed expedient, not contrary to the provisions of this charter, or the by-laws and rules which the stockholders at their annual or other meetings may, from time to time, prescribe: *Provided*, that for that purpose a concurrence of a majority of all the directors shall be necessary.

Meetings of
the board.

§ 9. The president and directors shall hold stated meetings at least once a week, and called meetings may be had whenever deemed necessary. All questions before the board shall be taken *via voce*; and the yeas and nays on any proposition submitted shall be entered of record, at the request of any two members; and no vote shall be reconsidered when a less number is present than when the vote was given.

Stock to pay
tax to the state.

§ 10. It shall be the duty of the president, on the first day of July, 1851, and on the first day of July in each succeeding year, to pay to the treasury of this state twenty-five cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus: *Provided*, that the legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said institution.

Cash to be ex-
amined.

§ 11. That it shall be the duty of the president and directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash accounts of the institution, and a full and complete statement shall be made out and entered on the journal of the proceedings of the board.

Officers not to
engage in other
business.

§ 12. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the

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president and directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise.

§ 13. That if the cashier, clerks, teller, agent, or other officer shall, without the authority of the president and directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the institution, with intent to cheat or defraud the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period of not less than two nor more than twenty years.

Penalty on an officer for misapplying the funds.

§ 14. The president and directors shall keep a record of their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to inspection by the governor, or by any person duly authorized by him, or to any committee appointed by the legislature.

Record of proceedings to be kept.

§ 15. It shall be the duty of the president and directors, during the first week of each session of the legislature, to transmit to the secretary of state an accurate and just statement of the condition of the institution; which statement shall specify the amount of stock actually paid in, the amount not paid in, and the value of the real estate belonging thereto, and its cost; the total amount of debts due to and from the institution; the amount of gold and silver, and other coined metal and bullion on hand; the amount deposited; the amount of bills of banks; the amount of notes and bills of exchange due the same; the rate and amount of each dividend of profits, with the amount of surplus profits or contingent fund; which statement the governor shall cause to be laid before the legislature; and they shall, when required by the legislature, report all bad and doubtful debts.

To make annual return to the general assembly.

§ 16. The president, cashier, and other officers, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

Directors and officers to take an oath.

§ 17. This institution shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum for the loan or use of money; and interest on promissory notes, negotiable and payable at the same and there discounted, shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's table of discount and interest.

Rate of interest.

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Certificates of stock to be issued.

§ 18. The president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall, by their by-laws, prescribe; certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable, when made payable to order.

General meeting of the stockholders.

§ 19. The general meeting of the stockholders shall be held annually on the first Monday in May in each year, in the city of Maysville, at the time of the annual election, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called as provided in this charter, or by the president and directors when they deem it desirable, or by any number of the stockholders the by-laws shall require.

General assembly may investigate its affairs.

§ 20. The legislature shall have the right to investigate the situation and affairs of said institution, by any committee they may appoint for that purpose; and the general court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceedings shall be by *scire facias*, alledging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the attorney general, when directed to do so by the legislature.

Commissioners to open books.

§ 21. That Lewis C. Pearce, Christian Shultz, Joseph Wallingsford, Charles Pearce, and John M. Duke are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the election of the first board of directors, any three of whom shall be competent to exercise the powers and perform the duties required by this section.

Their powers and duties.

§ 22. The said commissioners shall have power, and they are authorized and required, on the second Monday in April next, or at such other time within two years thereafter as they shall deem expedient, having given not less than thirty days' notice thereof in some newspaper printed in Maysville, to open books for the subscription of the capital stock of said institution at Maysville, and such other places as they may deem advisable, and cause said books to be kept open from 10 o'clock, a. m., until 2 o'clock, p. m., for at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days' notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken; and the president and directors may require such premium on the stock sold at the re-opening of the books as they shall deem right; and such premium shall be the property of the institution.

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Books may be re opened if all the stock be not taken.

§ 24. That when not less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Maysville for the election of the first board of directors, who shall hold their offices until the succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath and perform all the duties of inspectors of elections in like cases.

When directors may be elected.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations, shall be made in gold and silver, or notes of either of the banks or branch banks in this state, and at the times and in the manner following, viz: five dollars on each share, to the commissioners at the time of subscribing, and five dollars on each share, within ten days after the election of the first board of directors, and five dollars every sixty days thereafter, until the whole amount of said stock is paid: *Provided*, that the board shall have power to prolong the time for the payment of each instalment after one-half of the amount of each share shall have been paid.

How stock shall be paid.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock as herein provided, the president and directors, first giving public notice in two or more newspapers for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed at such time as they may deem expedient to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the institution.

How stock may be forfeited.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in by individuals, companies, or corporations, as heretofore required, the president and directors shall cause the governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the president and at least two of the directors, that the same

When the bank may commence business.

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has been paid in as capital stock, *bona fide*, and make due return thereof to him; and, on such appearing to be the fact, the governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done; and the said institution is then hereby authorized to commence operations.

Limitation to
subscriptions of
stock.

§ 28. That no one company, individual, or corporation, shall be allowed to hold more than one hundred shares of the capital stock of this institution, either in their own names or in the names of others in order to transfer them; and all stock that any individual, company, or corporation, shall take or hold contrary to this provision, shall be forfeited to the institution for the benefit of the other stockholders; and no individual, company, or corporation, shall be allowed in person or by proxy, to vote at the first election of directors on any stock which may stand in his, her, or their names, without first making oath that the stock, *bona fide*, belongs to them, and is not held in trust for others.

No director to
become security.

§ 29. That it shall not be lawful for the president or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institution; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars, to be recovered by action of debt in the name of the corporation, for its own use and benefit.

No loans to be
made for stock.

§ 30. That said institution shall not make any loan of money or discount any note or bill in any case whatever, for the purpose of enabling any individual to make payment for its own stock; and no stockholder shall be allowed to pay any debt he may owe the same, by the surrender of stock; and stockholders who shall become indebted to the institution, shall be compelled to pay their debts in all respects as other persons dealing with the same; nor shall any stockholder be allowed to make payment of the shares of stock held by him or them, by means of loan or loans obtained from the institution.

Real estate ac-
quired to be sold
within 5 years.

§ 31. That the real estate purchased by this institution, or the legal title of which shall be acquired in any way, (except such as may be held for the purposes mentioned in the first section of this act,) shall be sold within five years after it shall have perfected its title thereto; and on their failure to comply with the provisions of this section, the same shall vest in the commonwealth.

No note to be
issued as cur-
rency.

§ 32. That it shall not be lawful for said institution to issue any note or bill to be passed and used as currency; and if it shall so presume to do, the charter shall be forfeited, as provided in the fourth section of this act.

Approved March 15, 1851.

CHAPTER 426.

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AN ACT authorizing the construction of a mill dam across Pond River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John S. Eaves, jr., John S. Eaves, sr., David Clarke, and John W. Rollins, or either of them, be and they are hereby authorized and permitted to construct a mill dam across Pond river, at Clarke's ferry: *Provided*, said mill dam shall not be more than ten feet high; any act declaring said river navigable above that point to the contrary notwithstanding: *And, provided further*, that said John S. Eaves, jr., John S. Eaves, sr., David Clarke, and John W. Rollins, and each of them, be placed under the same rules and regulations as are, by law, imposed on all other persons erecting mill dams across other water courses.

Approved March 15, 1851.

CHAPTER 427.

AN ACT for the benefit of Abraham Boyd, of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be directed to issue his warrant on the treasurer, in favor of Abraham Boyd, of Trigg county, for twenty-eight dollars and fifty cents, who shall pay the same out of any money in the treasury not otherwise appropriated; which shall be compensation in full to said Boyd for conveying William Dugraffeinreid, a lunatic, from Trigg county to the asylum, in the year 1850.

Approved March 15, 1851.

CHAPTER 428.

AN ACT to establish a Police Court in the town of Caseyville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established, in the town of Caseyville, in Union county, a police court; and a police judge for said town shall be elected by the qualified voters of said town; and he shall take an oath before some justice of the peace, faithfully and impartially, to the best of his ability, to discharge the duties of his office.

Police judge
to be elected.

§ 2. The said police judge shall have jurisdiction, within said town, and one half mile thereof, of civil causes, to the same extent that justices of the peace now have, or may hereafter have in this state; and shall have the same jurisdiction of crimes and misdemeanors, committed within Union county, as two justices of the peace now have; and shall have full jurisdiction, within said town, of all the offenses against the by-laws and ordinances of said town; and shall have power to enter judgments, and issue execu-

His powers &
jurisdiction

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tions for all fines and penalties for such offenses. He shall have power to grant attachments and injunctions, and writs of *ne exeat*, to the same extent as the justices of the peace selected by the county court now have. It shall be the duty of said police judge to keep a record of his proceedings, copies of which shall be evidence, to the same extent, and for the same purpose that copies of the records of justices of the peace now are. He shall have power to issue subpoenas for witnesses, and other process, to compel attendance of witnesses before him, and to punish all contempts against his authority, by fines not exceeding five dollars in each case. He shall have power to order the marshal, or other officer, to summon a jury in cases cognizable before him, where a jury is required by law. He shall have power to take and certify depositions, as justices of the peace now have, which shall be allowed to be read as depositions are now allowed to be read, which are taken before and certified by justices of the peace. He shall be entitled to the following fees, viz: for a peace warrant, fifty cents; for a warrant in cases of riot, rout, or unlawful assembly, or breach of the peace, fifty cents; for a warrant for a violation of any by-law or ordinance of said town, where the trustees of the town are plaintiffs, twenty-five cents; for swearing a jury, and presiding over a trial, fifty cents; for subpoenas, twelve and a half cents, each; for original judgment, in all civil cases, twenty-five cents; all other fees shall be the same as those of justices of the peace for like services; and shall have power to collect in the same way. He shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, clerks, and other officers of said town, for all sums of money received and paid out by them, whenever required by any one to take cognizance thereof.

Appeals.

§ 3. Appeals from all judgments rendered by said police judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals as appeals are now allowed from judgments of justices of the peace.

How to be elected.

§ 4. Said police judge shall be elected by the qualified voters of the town of Caseyville, at the same time, and in the same manner as the presiding judge of the county court, and shall be qualified in the same way, and hold his office for the same term as the presiding judge of the county court.

Powers & duties of marshal.

§ 5. The said marshal shall have the same power, and perform the same duties, and be liable to the same penalties that constables of this commonwealth are now, by law, or may hereafter be authorized to perform, or be subject to; and said marshal, before he enters on the duties of his office, shall take an oath for the faithful performance of his duty, in the county court of Union county; and shall exe-

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cute a bond, with one or more good sureties, to be approved by said county court, in the penalty of three thousand dollars, payable to the commonwealth of Kentucky, with a condition similar to a bond a constable is bound to execute, and the same may be put in suit for a failure to perform the conditions of said bond, by any person injured, in the same manner as suits are now authorized to be brought on a constable's bond; and said marshal shall also be subject to a motion against him and his surety, before said police judge, for a failure to pay over money to the person entitled to receive the same, under the same rules, regulations, and restrictions as motions are authorized to be made against defaulting constables.

§ 6. Said marshal shall be elected by the qualified voters of the town of Caseyville, at the same time, and in the same manner as the sheriff of the county of Union.

Approved March 15, 1851.

CHAPTER 429.

AN ACT authorizing the Allen County Court, to subscribe stock in the Louisville and Nashville Railroad.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the sheriff of Allen county, at the election to be held on the second Monday in May next, to open a poll for one-half per cent., and a poll for one per cent.; and the question shall be asked of each qualified voter, "are you in favor of taxing the real and personal property of this county one-half per cent. on the one hundred dollars worth of property, or are you for taxing the same one per cent.?" and if, upon comparing the polls, it shall be found that a majority of said qualified voters have voted in favor of either of said sums, it shall be the duty of the county court of said county to levy a tax upon the real and personal property for the amount receiving the vote of a majority of the voters of said county, which shall be paid out, by the judge of said county court, in the construction of the Louisville and Nashville Railroad.

§ 2. That in the event said road is located through the county of Allen, the judge of the county court is hereby authorized to subscribe for, on account of the county of Allen, an amount of stock which shall be equal to the tax proposed by the vote of said majority, of qualified votes: *Provided*, that said subscription shall not be for a greater sum than can be raised by taxation, as proposed above, in four years: *And, provided further*, that said subscription and tax shall be null and void, unless said Louisville and Nashville railroad is located through said county of Allen, and town of Scottsville.

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§ 3. That the sheriff, or other collecting officers of said county of Allen, shall collect the tax proposed to be raised by this act, and allow the same rate per cent. for collecting the same as is now allowed by law for collecting the state revenue.

Approved March 15, 1851.

CHAPTER 430.

AN ACT to amend the charter of the town of Hardinsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the town of Hardinsburg to require all venders, by auction, of any goods, wares, and merchandise, except sheriffs, coroners, constables, or a commissioner of a court, to obtain license to sell the same within the corporate limits of said town; and said trustees shall have power to regulate the price of such license at any sum not exceeding fifty dollars, and to impose such fines upon any person who shall presume to sell by auction, without first obtaining a license, as aforesaid, as they may deem proper, not, however, exceeding the sum of two hundred dollars for each offense, recoverable before any justice of the peace of the county of Breckinridge, or the circuit court of said county, as they may, respectively, have jurisdiction of the amount, at the suit and the name of the trustees of the town of Hardinsburg: *Provided, however*, that nothing in this act contained shall prevent any *bona fide* citizen of the state of Kentucky, from selling, or causing to be sold, at auction, any article manufactured by him in said state, or produced from his or her farm, garden or land.

Approved March 15, 1851.

CHAPTER 431.

AN ACT to incorporate the Shelby Railroad Company.

Commissioners.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James M. Bullock, Wm. Standeford, Josephus H. Wilson, John Carver, Wm. Jarvis, Robert B. Winlock, S. C. Boney, Shannon Reid, Edward C. Payne, Bartlett M. Hall, Isaac F. Collier, Andrew S. White, Tandy M. Allen, Robert S. Sanders, George Smith, William Threlkeld, Preston Owen, Henry C. Offutt, Joseph H. Stout, H. A. Bailey, Thomas Smith, jr., John M. Dowell, William H. Crapster, Archibald R. Scott, James V. ———, B. S. Shelburne, John Huffman, William Hanna, Jas. Wight, James Wilson, Silas Yeager, John Williamson, J. Bushrod Obannon, Samuel Crum, and Dr. Freeman be and they are hereby appointed commissioners, under the direc-

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tion of any five or more of whom subscriptions may be received to the capital stock of the Shelby railroad company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions in the capital stock of said company, after having given such notice of the times and places of opening the same, as they may deem proper; and after the first opening of said books, they shall be kept open for at least five successive days; and if, at the expiration of that period, such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, the said commissioners, or any five of them, may cause the said books to be opened from time to time, after the expiration of said five days, for the space of two years thereafter, or until the sum necessary to the incorporation of said company shall be subscribed, if not sooner subscribed: *Provided*, that any subscription or subscriptions, tendered at any time or place other than that advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the times or places advertised; and if any of said commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, others may be appointed in his or their stead, by the remaining commissioners, or a majority of them.

§ 2. That the capital stock of the Shelby railroad company shall be six hundred thousand dollars, in shares of fifty dollars each, which may be subscribed for by any individual or corporation; and as soon as fifteen hundred shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Shelby railroad company; and, by that name, shall be capable, in law, of purchasing, holding, selling, leasing, and conveying real estate, not exceeding five thousand acres, and personal and mixed estate, so far as the same may be necessary for the purposes hereinafter mentioned, and shall have perpetual succession; and, by said corporate name, may sue and be sued, any may have and use a common seal, which they shall have power to alter or renew at their pleasure; and shall have, enjoy, and may exercise all the powers, rights, and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

§ 3. That if more than twelve thousand shares shall be subscribed to the capital stock of said company, the said commissioners, or a quorum thereof, which shall consist of not less than five, shall reduce, by striking off in succession from the largest number of shares subscribed for by single individuals or corporations; until the subscriptions shall be

Capital stock.

If more than 15000 shares be subscribed, commissioners may reduce the excess.

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reduced to twelve thousand shares, so as to equalize the stockholders, as far as may be: *Provided*, that the number of shares subscribed on behalf of Shelby county, according to the provisions of subsequent sections of this act, shall in no event be reduced, except by the express consent of the president and directors of said Shelby railroad company: *And, provided further*, that the number of shares subscribed, on behalf of the town of Shelbyville, shall in no event be reduced, except by consent of the president and directors of said company.

Stock, how
paid in.

§ 4. That at every such subscription, there shall be paid at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, either in money or a note, negotiable and payable at some bank, at sixty days' date, or longer, at the option of said commissioners, or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times as may be required by the president and directors of said company: *Provided*, that no payment shall be demanded until at least thirty days' notice of such demand shall have been given by the president and directors in some newspaper published in the town of Shelbyville; nor shall more than fifty per cent. of each share of stock be called for in any one year; but if the exigencies of the company should require the payments on the stock to be made more rapidly than is provided for herein, or should the president and directors, or a majority of the whole board of directors, or a majority of the whole number elected, consider it expedient for the purposes of aiding the stockholders, or hasten the completion of the contemplated road, it shall be lawful for them to borrow money, on the credit of said company, in amount not exceeding three hundred thousand dollars; and it shall also be lawful for the president and directors of the said Shelby railroad company, and they are hereby vested with full power and authority to issue and sell the bonds of said company, in such form, and in such amounts, and payable at such time and places, with interest half yearly, as they shall find convenient and proper, to an amount not exceeding three hundred thousand dollars, and upon such terms of discount as they may deem to be to the interest of the company, to expedite the speedy completion of the road, and secure the same by a deed of trust, or mortgage on said road, and all its property and effects, conditioned for the prompt and punctual payment of the interest on said bonds as it shall fall due, and the principal when it shall become due, and with authority for the trustee or mortgagee to sell said road, and all its property, to raise said interest and principal, if not punctually paid on such notice as is declared in the deed of trust or mortgage, without suit and decree of foreclosure; and to enable the

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company to sell said bonds, it shall be lawful to contract with any person or persons, company, or corporation, to guarantee the punctual payment of the interest and principal of said bonds; and, if so guaranteed, the guarantors shall be entitled to all the rights and privileges of the charter, and be subject to all the obligations, limitations, and restrictions of the same; and if any subscriber shall fail or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action of debt, in the name of said corporation, against such defaulting subscriber, in any tribunal having jurisdiction of like cases; and in all such actions, publication, as directed in this section, shall be the only demand necessary to be proven; or, in case such failure or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the board of directors may, in their discretion, order that the same shall be forfeited to the company; and they may also sell it for the benefit of the company, if they think proper so to do; but the said board of directors, by a majority of the whole board, may remit any forfeiture, on such terms as they may think proper.

§ 5. That if the subscription herein made necessary to the incorporation of said company shall not be obtained within two years after the first opening of the subscription books by the said commissioners, this act and all the subscriptions under it, shall be null and void; and the said commissioners, after discharging the expenses of opening the books, preliminary surveys, and other liabilities incurred in endeavoring to obtain subscriptions of stock, shall return the residue of the money paid in upon such subscriptions to the several subscribers, in proportion to the sums respectively paid in by them.

When this act
to be void.

§ 6. That as soon as practicable, after fifteen hundred shares of stock shall have been subscribed, the said commissioners, or a majority of those acting, shall call a general meeting of the subscribers at such time and place as they may appoint, and shall give at least twenty days' public notice thereof; and at such meeting the commissioners shall lay the subscription books before the subscribers then and there present, and thereupon, the said subscribers, or a majority of them then present, shall, from among the stockholders, elect six directors, by ballot, to manage the affairs of the company; and these six directors, or a majority of them, shall have the power of electing a president of said company, either from among the directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions wherein a vote

When company
may be organized and directors elected.

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of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him, her, or it; and every stockholder may, in writing, depute any other person to vote for him, her, or it, as his, her, or its proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

Annual election
of directors,
when to be held.

§ 7. That to continue the succession of the president and directors of said company, six directors shall be chosen annually, on the first Tuesday in May every year, at Shelbyville, by the stockholders of said company; and that the directors of said company, or a majority of them, shall have power to appoint judges of all elections, and to elect a president of said company, either from among the directors or any other stockholder, and to allow him such compensation for such services as they may deem proper; and if any vacancy shall occur, by death, resignation, or refusal to act, of any president or director, before the year for which he was elected has transpired, a person to fill such vacant place for the residue of the year may be appointed by the president and directors of said company, or a majority of them; and that the president and directors of the company shall hold and exercise their offices until a new election of president and directors; and that all elections which are, by this act, or the by-laws of said company, to be made on a particular day, or at a particular time, if not made on such day, or such time, may be made at any time within thirty days thereafter.

How general
meetings may
be called.

§ 8. That a general meeting of the stockholders may be called at any time during the interval between the annual meetings by the president and directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' public notice of the time of holding the same, which shall be at some place in Shelbyville, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if, at any such called meetings, a majority (in value) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if, within said three days, stockholders having a majority (in value) of the stock subscribed do not attend, such meeting shall be dissolved.

Duty of president & directors

§ 9. That at all the regular meetings of the stockholders of the said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company. That at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority (in value) of the attending stockholders, may re-

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quire similar statements from the president and directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders, a majority (in value) of all the stockholders in said company may remove from office the president or any of the directors of said company, and fill up vacancies, thus created, in the same way, and to the same extent that they could do at their stated meetings.

§ 10. That every president and director of said company, before he acts as such, shall swear or affirm (as the case may be) that he will well and truly discharge the duties of said office, to the best of his skill and judgment.

President & directors to take an oath.

§ 11. That if the county court of Shelby, or the trustees of Shelbyville shall subscribe for stock in said road, either under and by virtue of such laws as are now in force, or upon the passage of laws by the general assembly authorizing them to subscribe stock in said road, the subscriptions, so made, shall be made payable at such times, and upon such terms as may be agreed upon between the subscribers and the commissioners or directors taking the subscriptions; and the calls upon such stock may be at different times than those calls which may be made upon other stockholders, as provided for in the fourth section of this act.

When stock subscribed by Shelby county & Shelbyville may be paid.

§ 12. That if any of the stock, created by virtue of this act, shall remain unsubscribed until after the election of the president and directors, as provided for in the second section of this act, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company which may remain unsubscribed for, or to sell or dispose of such unsubscribed stock for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of such stock shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same regulations.

How unsubscribed stock may be disposed of.

§ 13. That the said president and directors, or a majority of them, may appoint all such officers, agents, engineers, or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure. That they, or a majority of them, may have power to determine, by contract, the compensation of all the officers, engineers, agents, servants, or others in the employ of the said company; and to regulate, by their by-laws, the manner of adjusting and settling all the accounts against said company. That they, or a majority of them, shall have power to erect buildings for the safe-keeping of all articles entrusted to them for transportation, and work shops necessary for the business of the company. That they, or a majority of them, shall have power to direct the manner, and by what evidence

May appoint all necessary officers.

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stock in said company may be transferred ; and to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the object of this act into effect : *Provided only*, that such by-laws shall not be contrary to the laws of the United States or the laws of this state. The president and three directors, or any four directors without the president, shall constitute a quorum of the board of directors for the transaction of all business, and the execution of all powers confided in said board by this act or the by-laws of said company.

Capital stock
may be increas-
ed.

§ 14. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time, to increase the said capital stock by the addition of as many shares as they may deem necessary, not exceeding in amount the further sum of four hundred thousand dollars ; for which they may, at their option, cause subscriptions to be received, giving notice in the manner herein before prescribed ; or may sell the same for the benefit of said company, and upon such terms of discount as they may deem to be the interest of the company ; or may, upon the request of the stockholders representing in interest two-thirds of the stock, mortgage the road for any sum necessary for its completion.

Corporate
powers.

§ 15. That the president and directors of said company shall be and they are hereby invested with all the rights and powers necessary for the construction and repair of a railway, with such appendages as may be deemed necessary for the convenient use of the same, commencing at some eligible point in the town of Shelbyville ; thence, by such route as they may select, to intersect with the Louisville and Frankfort railroad, and at such point therein, diverging therefrom at an angle of twenty degrees or more, as may be agreed on by the president and directors of the Shelby road, or a majority of them, not to exceed sixty-six feet wide, with as many sets of tracts as the said president and directors, or a majority of them, may deem necessary ; and that they may cause to be made a contract with others for making said railroad, or any part of it ; and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon, and use, and excavate any land which may be wanted for the site of said road, or the location of warehouses, or other works necessary to said road, or for any other purposes necessary or useful in the construction or repair of said road or its works, or the use thereof after its completion ; and that they may build bridges, provided the same do not obstruct the navigation on navigable streams ; may construct said railroad across or along turnpike or other public

roads or streets ; may fix scales and weights ; may lay rails ; may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of said road, or any part of its works ; and may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion or improvement of said road.

§ 16. That the fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, and forty-seventh sections of an act of the general assembly of the commonwealth of Kentucky, entitled, "an act to incorporate the Licking and Lexington railroad company, and Louisville and Frankfort railroad company," approved March 1, 1847, be and the same are hereby re-enacted and incorporated into this act, and as part of the same, only substituting, when it is proper, the style of this company in lieu of the style of the Louisville and Frankfort railroad company, and striking out the words "between Frankfort and the river," as they occur in said forty-fourth section ; and the provisions of said sections of said act shall be applicable to this company as though they were copied into this act as a part hereof.

Certain parts
of other acts
adopted.

§ 17. That if said company shall not commence the said road, leading from Shelbyville to some point of junction with the Louisville and Frankfort railroad, within three years from the first day of May next ensuing the passage of this act, and shall not cause the same to be finished within ten years from the time of the commencement thereof, then this act shall be null and void.

If not commenced within
5 and completed
within 10 years,
this act to be
void.

§ 18. That full right and privilege is hereby reserved to the citizens of this state, or any company incorporated, or hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route, and diverging therefrom at an angle of twenty degrees or more, to any part or parts of the state: *Provided*, that, in forming such connection, no injury be done to the works of the company hereby incorporated: *And, provided, also*, that no railroad company now incorporated, or that may hereafter be incorporated, shall make a parallel road approximating within the distance of eight miles at any one point, on either side of said Shelbyville railroad.

Other roads
may connect
with this.

§ 19. That so soon as said company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms, and upon the stipulations herein provided for, as though the whole work was completed.

§ 20. That all payments made on the stock of said company shall bear interest at the rate of six per cent. per annum, until a dividend shall be made ; and the president and directors are authorized and required to issue, to the per-

Stock payments
to bear interest.

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sons entitled, certificates of stock for all such interest, in addition to the shares subscribed or held by them. And the president and directors of said company shall have the right to take the obligations of the subscribers of stock in said company for deficient instalments, and raise money by discount of such notes: *Provided*, that said company shall not issue certificates of stock until the same shall be paid for. And it shall be lawful for said president and directors to contract for the whole, or any part of the work and materials towards and for the construction of said road, on time; and to borrow money, on time, to pay for work and materials for said road, and to secure any and all such debts by the bond and obligations of said company, and to execute a mortgage or mortgages upon said road, or any or all the property of the same. And it shall be lawful for the president and directors to commence the construction of said railroad at Shelbyville, or at the other extremity of said road; or at any intervening point, and to progress with the same concurrently, or at different times.

May branch
said road.

§ 21. That it shall be lawful for said railroad company to branch the said road, and to run lines to any point or points in the counties of Shelby, Spencer, Anderson, Franklin, Henry, Oldham, or Jefferson, on the terms mentioned in this act, and especially in the direction of the town of Danville, in Boyle county: *Provided*, the same diverges twenty degrees, or more, in the junctions thereof with the Louisville and Frankfort railroad. It shall be lawful for the company to unite this road with any other railroad in any of said counties, which now is, or may hereafter be constructed, with the consent of the directors of said other railroad company. It shall be lawful for other railroad companies, now, or hereafter to be incorporated, to unite with this road, with the consent of the president and directors of this road; and it shall be lawful for the Shelby railroad company to contract with any other railroad company which now is, or may hereafter be incorporated in this state, for the use of the locomotives, cars, engines, vehicles, carriages, or machines of any description whatever, belonging to each respective railroad company, and to be used upon the tracks of each respective railroad company, upon such terms, and under such stipulations and conditions as may be agreed upon by the said companies contracting.

Shelby county
court may take
the vote as to
the propriety of
taking stock in
railroads, turn-
pike and plank
roads.

§ 22. Whereas, the county court of Shelby have requested the passage of a law authorizing and empowering said county court to subscribe not exceeding three hundred thousand dollars in the stock of such railroads, turnpike, and plank roads as the citizens of said county may determine to construct, and to levy a tax on the property within said county to pay the subscriptions, and to take a vote of the people of said county as to the propriety of

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making said subscriptions. *Be it therefore further enacted*, that the said county court of Shelby are hereby authorized and empowered, after giving twenty days' notice thereof, by advertisement in the *Shelby News*, at any time by said court deemed expedient, to take the vote of the qualified voters of said county as to the policy of said county becoming a subscriber of stock in such turnpike, plank, and railroad companies in said county, that may be formed under existing laws, or hereafter incorporated to construct any of the aforesaid roads, to any amount not exceeding three hundred thousand dollars; and provided a majority of all the voters qualified to vote for members of the general assembly, who shall have cast their votes at said time designated in said notice, shall be in favor of said subscription, then and in that case it shall be the duty of said county court, immediately, to pass an order directing the presiding member of said court, for the time being, on behalf of said county, to subscribe said stock in said roads, as the respective road companies shall be organized. That said county court shall subscribe in the stock of the Shelby railroad company, on that part of said road leading from Shelbyville to the junction with the Louisville and Frankfort railroad, not more than four thousand shares, and in each turnpike and plank road five hundred dollars per mile, for each and every mile, and the remainder of said three hundred thousand dollars in the stock of said Shelby railroad company, in that part of said road to lead from its terminus in Shelbyville in the direction of the town of Danville, in Boyle county: *Provided*, a company shall be incorporated to build a railroad from the said town of Danville; and said company shall locate said road in such manner as to meet and unite with the said road of the Shelby railroad company: *And, provided*, said subscription shall not exceed one hundred thousand dollars.

§ 23. That it shall be lawful for the said county court of Shelby, and they are hereby vested with full power and authority, for the purpose of making payment of said subscriptions in the stock of the said Shelby railroad company, and in the turnpike and plank roads, as authorized and provided for in this act, to levy and collect a tax not exceeding one half of one per cent. per annum, *ad valorem*, upon all the property and estate subjected to the payment of state revenue, by existing laws, within the said county of Shelby, on such annual valuation or assessment as taxes of the state are collected, for the respective years in which said road tax shall be collected, and apply said tax, as collected, to the payment of said subscriptions of stock in said companies.

§ 24. That the sheriff, or other officer collecting said tax, shall collect the same when collecting the state revenue, and shall pay the said road tax to the president and di-

May levy a tax to meet said subscriptions.

Who to collect said tax.

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rectors of said company, immediately upon the collection thereof; and such collecting officer, for failing to collect or pay over said tax, shall be liable, and may be proceeded against in the same manner as for delinquencies in collecting or paying over the revenue; the tax payers may, however, pay the tax direct to the president and directors of said company, if done within three months after the public notice shall be given that the tax for said year is due and unpaid. That the sheriff or other officer collecting said tax, shall be entitled to, and receive a commission, upon the amount so collected by him, of not more than one per cent., which shall be in full compensation for his said services.

§ 25. That the Shelbyville and Taylorsville turnpike road company shall be fully entitled to receive, and the said county court shall subscribe, in the stock of said company, five hundred dollars per mile upon all that portion of said road that is now, or may hereafter be completed: *Provided*, the subscription authorized by this act is sanctioned by the vote of the people of said county, as hereinbefore provided for; and it shall be lawful for those who have already subscribed stock, or shall hereafter receive certificates of the same, in lieu of paying the said road tax, until his, her, it, or their *pro rata* proportion of five hundred dollars per mile, authorized to be subscribed, is exhausted; and said collecting officer shall take from said stockholder a certified statement thereof, which he shall return to the board of said company as a voucher. It shall be lawful for the president and directors of said company, and, in their default, any subscriber who has made, or may make any part of said road, to apply to the county court of Shelby, and they are hereby authorized to appoint three discreet, impartial, and disinterested citizens, whose duty it shall be, after being duly sworn, to value and appraise the work done and performed in the construction of said road by said subscriber or subscribers, and report the same, in writing, to the board of said company, who shall thereupon issue to said subscriber or subscribers certificates of stock therefor.

§ 26. That each and every person who pays any part of said tax, shall be entitled to his *pro rata* share of said stock in the respective companies authorized and contemplated by this act, and into the treasury of which said tax is paid, and shall be entitled to demand and receive a certificate so soon as he shall have paid for a full, half, or quarter share, or shall produce transfers from those who have paid portions so as to entitle him to a full, half, or a quarter share.

§ 27. That the rate of tax on each one hundred dollars of stock in the Shelby railroad company, and in such turnpike or plank road as may be built in said county of Shelby, shall be at the same rate fixed by law on each one hundred dollars of taxable property for the state revenue; and

Stock in Shelby railroad to pay same tax to state as other property.

the tax shall be paid by the president and directors thereof into the treasury of the state, on or before the first day of December in each year; and when the net profits of the stock in said road shall exceed ten per centum per annum on each one hundred dollars worth of stock, the commonwealth reserves the right to put the same rate of tax on each one hundred dollars of such excess of net profits, and cause the same to be paid into the treasury each year, in like manner; but the stockholders shall not be compelled to list such stock with the assessor: *Provided*, that all the taxes which shall be paid into the treasury by said company, shall pass to the credit of the sinking fund: *And it is also further provided*, that no tax shall be demanded of said companies until said roads are completed.

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Approved March 15, 1851.

CHAPTER 432.

AN ACT to amend the act establishing the police court of Flemingsburg, approved January 21, 1851.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, approved January 21, 1851, establishing the police court of Flemingsburg, be amended as follows: the officers of said court shall be first elected on the first Monday of August, 1851, at the same time and place that the trustees of said town are elected; said election shall be conducted by the officers who are by law required to conduct the elections for town trustees; and the records of the election of said officers shall be kept in the same place and by the same persons who keep the election records of said town. Each succeeding election for officers of said police court, after the first election, shall be held every two years thereafter; and said officers shall hold their offices for two years, and until their successors shall be elected and qualified: *Provided*, such officer shall in no event hold said office longer than three years from the day of his election. The officers who conduct said elections shall certify who are elected, and issue certificates thereof to the persons so elected. Before the marshal shall enter upon the duties of his office, he shall, in the county court of Fleming county, take the oath required by the constitution, and, also, an oath that he will discharge the duties of his office according to law; and execute bond to the commonwealth, in the penalty of two thousand dollars, with good surety, conditioned that he will discharge, according to law, the duties of his office; which bond shall be filed in said court's clerk's office as part of its records, and upon which any person aggrieved may institute suit. When the governor shall be informed, by certificate, of the election of the judge, he shall commission him; and upon

When town
officers to be
first elected.

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the reception of the said commission, the judge shall make an affidavit before any person authorized to administer oaths, that he will discharge the duties of his office according to law, and, also, take the oath required by the constitution; which affidavit shall be recorded in the county clerk's office, and the clerk shall be entitled to charge twenty-five cents for recording it. If the election should be a tie between two or more candidates, the officers conducting the election shall, by lot, choose between those having the highest equal vote. Contested elections shall be settled in the same way, and by the persons authorized to settle contested elections of county judges; and vacancies shall be filled in the same way as vacancies in the office of county judge are filled.

Penalty for exercising office illegally.

§ 2. If either of the said officers shall exercise any of the duties of his office until he is qualified, he shall be fined, on presentment or indictment of a grand jury, not more than one hundred and not less than twenty dollars, and shall be removable from office, on the presentment or indictment of a grand jury, for malfeasance in office, subject to appeal to the court of appeals.

How appeals to be taken.

§ 3. Appeals may be taken from the decisions of said police court, in the same manner, and to the same court, and under the same rules and restrictions as appeals are taken from justices of the peace; and when the said officers go out of office they shall hand over to their successors in office all records and papers in their hands, and may require a receipt for the same.

§ 4. All parts of the act establishing said court, inconsistent herewith, are repealed.

Approved March 15, 1851.

CHAPTER 433.

AN ACT concerning the Police Judge of the town of Hawesville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the power and jurisdiction conferred on the police judge of the town of Hawesville, by an act, entitled, an act to amend the acts incorporating the towns of Blandville, in Ballard county, Clarksburg, in Lewis county, and Hawesville, in Hancock county, approved February 3, 1847, the said police judge shall have and exercise the same powers and jurisdiction which the justices of the peace in the magistrates' and constable's district, in which Hawesville is situated, now, or may hereafter have and exercise, both in civil and criminal cases; and said police judge shall be governed by the same laws and regulations, in issuing process, and hearing and determining causes, which govern justices of the peace. He shall direct his process to the same officers as justices

Additional power conferred on police judge.

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of the peace do; and such officers shall be governed by the same laws, in the execution of such process, and making return thereof, as if issued by justices of the peace; and shall be liable to the same proceedings, for a failure to perform their duty, as if the process had issued from a justice of the peace; and shall receive the same fees. The parties to any suit before said judge shall have the right to appeal from his decisions and judgments, under the same laws and regulations as from the judgments of justices of the peace; and said judge shall be allowed the same fees that justices of the peace receive for like services, to be collected in like manner.

§ 2. Said police judge shall be elected by the qualified voters in the town of Hawesville, at the same time that the presiding judge of the Hancock county court is elected; the election shall be held at the court house in said town, by the same officers who hold the election for said presiding judge; and the returns shall be made in the same manner. He shall be commissioned by the governor in the same manner, and hold his office for the same time. A vacancy in said office shall be filled in the same manner that a vacancy in the office of presiding judge shall be filled. Said judge shall reside in the town of Hawesville, in Hancock county, and be a resident citizen over the age of twenty-five years.

Police judge
to be elected.

Approved March 15, 1851.

CHAPTER 434.

AN ACT for the benefit of the National Guards, of the city of Louisville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present officers and members of the first company of national guards, in the city of Louisville, and their successors, be and they are hereby constituted a body corporate and politic, with full power to sue and be sued, contract and be contracted with, under the style of the national guards, with power to receive honorary members, for the purpose of sustaining it, to the number of one hundred and fifty; and every such honorary member, except in case of war, insurrection, or invasion, shall be exempt from performing militia duty each year that he shall pay five dollars to the treasurer for the benefit of said company; and the treasurer's receipt shall be *prima facie* evidence of each member's right of exemption from performing militia duty for one year after the date of such receipt.

§ 2. That said national guards shall have power to purchase and hold all such real estate as may be necessary for the erection of an arsenal, or other buildings requisite for the preservation of their arms, ammunition, and equipments, &c.

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§ 3. That any honorary member may be expelled by a vote of the majority of the active members of said company, at any of their regular meetings; and that such honorary member may, at any time, hand to said treasurer his written resignation of membership, and shall not be further liable to such company, except for arrears unpaid.

§ 4. The commissioned officers of said company shall consist of a captain and four lieutenants; and the governor shall issue commissions to the third lieutenant of said company, and to the first lieutenant of artillery attached to said company.

§ 5. The said company of national guards is hereby attached to the first regiment and twenty-ninth brigade of Kentucky militia; and the captain is hereby relieved from attending the courts of assessment; and the officers and regular members shall only be required to attend the regimental and battalion musters of said regiment.

§ 6. The company and its board of officers shall have power to pass and enforce any by-laws, rules, and regulations for the proper discipline and government thereof, and to collect, by suit, any fines and forfeitures which may be imposed on the officers, members, or honorary members, under such by-laws, rules, and regulations; and said fines and forfeitures shall be paid over directly to the proper officers of said company.

§ 7. That said company shall have power to accept active and honorary members from any part of the city of Louisville and Jefferson county.

§ 8. That said company shall have power to charge each active member twenty-five cents per month, for the benefit of said company; and in case of sickness of any such member, he shall be entitled to from three to five dollars per week, in the discretion of said company.

§ 9. Should said company disband, or dissolve themselves, then the property of the said company shall be given over to the proper authority of the city of Louisville, for the benefit of public schools of said city.

§ 10. The general assembly reserves the right to alter or repeal this act at pleasure.

Approved March 15, 1851.

CHAPTER 435.

AN ACT for the benefit of George Stivers and William Woodcock.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George Stivers, late deputy sheriff for Alexander White and Benjamin F. White, sheriffs of Clay county for the years 1844, 1845, and 1846, be and he is hereby allowed the further time of two years to collect, by distress or otherwise, all taxes yet due him, and all fees listed with him for collection during the years aforesaid.

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§ 2. That the said George Stivers, late clerk of the county and circuit courts of Clay county, be allowed the further time of two years to collect, by distress or otherwise, the fees due him as clerk aforesaid, subject, however, to all the penalties of the laws now in force for illegal distress and collection of taxes and fee bills.

§ 3. That William Woodcock, clerk of the circuit and county courts of Clay county, be and he is hereby allowed the further time of two years to list and collect, by distress or otherwise, his fee bills, subject, however, to the penalties of the laws now in force for issuing and collecting illegal fee bills.

Approved March 15, 1851.

CHAPTER 436.

AN ACT to authorize the Trustees of Winchester to reduce the width of Main Cross street, in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of Winchester, or a majority of them, be and they are hereby authorized to reduce the width of main cross street, in said town, one pole on the south side thereof; and the ground cut off by said redpction they are hereby authorized to sell and convey to the owners of the lots thereunto adjoining, if, in the opinion of said trustees, or a majority of them, it may be deemed conducive to the interest of said town; and the money arising from said said sales shall be applied in like manner as the resources of said town.

Approved March 15, 1851.

CHAPTER 438.

AN ACT to amend an act creating the office of Police Judge and Marshal in the towns of Clinton and Moscow, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the acts creating the offices of police judge and marshal in the towns of Clinton and Moscow, in Hickman county, be so amended as to require that said elections for said officers shall be holden on the first Saturday in June, 1851, and, if not held on that day, shall be held on the first Saturday in July thereafter; and the said election for the town of Clinton shall be every fourth year thereafter, and for the town of Moscow every two years thereafter.

Approved March 15, 1851.

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CHAPTER 439.

AN ACT for the benefit of Common Schools in Anderson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the superintendent of public instruction be and he is hereby authorized to receive the report of the common school commissioners for the county of Anderson, for districts Nos. 1, 7, 8, and 20, in said county, for the year 1850; and when said report is received, he shall issue his draft on the second auditor, in favor of said commissioners, for the sum of money said district would have been entitled to had they been reported in time, to be distributed among said districts, according to the proportion of each, for their respective benefit.

Approved March 15, 1851.

CHAPTER 440.

AN ACT to establish the police court of Mount Carmel.

Court established.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby established, in the town of Mount Carmel, in Fleming county, a police court, the officers of which shall be a judge and marshal, to be called the judge and marshal of the police court of Mount Carmel.

Police judge and marshal to be elected.

§ 2. The said officers shall be elected by the voters of said town, possessing the same qualifications that voters for trustees of said town have, at the same time and place that the trustees of said town are elected. The elections shall be conducted by the persons authorized to hold elections for trustees; and they shall give to the persons, thus elected, certificates thereof; and the record of the elections shall be kept by the same persons who are required to keep the election records of trustees of said town. The officers thus elected shall reside within the limits of said town, and keep their offices therein. Contested elections shall be determined in the same way that contested elections for county judges are; and in case of a tie between two or more candidates, the officers who conduct the election shall choose between those having the highest equal vote, by lot. Vacancies shall be filled in the same way that vacancies in the office of justice of the peace are. The governor shall, upon information, by certificate of the election, commission the judge, who shall, in the form of an affidavit take the oath required by the constitution, and also an oath of office, that he will discharge the duties of his office according to law. The affidavit may be administered and certified to by any one authorized to administer oaths, and shall be recorded in the county clerk's office. The clerk shall be authorized to charge twenty-five cents for record-

ing it. The said officers shall hold their offices for the term of two years, and until their successors shall be duly elected and qualified; but in no event shall they hold longer than three years from the day of their election.

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§ 3. The marshal of said court, before he enters on the duties of his office, shall execute bond in the county court of Fleming, with good surety, payable to the commonwealth, in the penalty of two thousand dollars, conditioned that he will faithfully discharge the duties of his office according to law. He shall take the oath required by the constitution, and also one that he will discharge all the duties of his office according to law. If any person shall be aggrieved by the acts of said marshal, he may institute suit on said bond. Said bond shall be kept in the county court's clerk's office, as a part of its records; and said clerk shall be allowed the same fees as he is allowed for taking bonds from, and administering oaths to constables.

Duty of marshal

§ 4. The judge shall possess the qualifications of a justice of the peace, and the marshal those of a constable; and for misfeasance or malfeasance in office, on the presentment or indictment of a grand jury, they may be removed from office, but subject to an appeal to the court of appeals; and shall also be liable to impeachment, and the penalties arising therefrom.

Qualifications of judge.

§ 5. The police court of Mount Carmel shall have jurisdiction concurrent with justices of the peace, in all matters now cognizable before them, with the same powers, privileges, and rights, and under the same rules and restrictions; he shall also have jurisdiction of all violations of the ordinances of said town. The marshal shall exercise the same powers, and possess the same rights as a constable; they shall be severally entitled to charge and receive the same fees as justices of the peace and constables are, or may hereafter be entitled to receive for like services.

Jurisdiction of police court.

§ 6. Appeals shall be allowed from the decisions of said court to the circuit and county courts, under the same rules and restrictions as are allowed from those of justices of the peace; and when said officers go out of office, they shall hand over to their successors all of their official records and papers, and may demand a receipt for the same.

Appeals.

§ 7. If either of the officers of said court shall discharge any of the duties of his office before he is qualified, he shall be subject to a fine of not less than twenty nor more than one hundred dollars, to be recovered as other fines are.

§ 8. The marshal shall execute the process of said court; but in case of urgency, and when he cannot be procured, the judge may direct the same to any constable or the sheriff of said county, who shall execute them.

Approved March 15, 1851.

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CHAPTER 441.

AN ACT to incorporate the Board of Trustees of the town of Woodsonville.

Boundaries
established.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Woodsonville, in Hart county, as laid off and described in a plat now of record in the office of the clerk of the Hart county court, shall be known, and is hereby declared to be incorporated to the extent and limits of said town, as so laid off and described.

Trustees to be
elected.

§ 2. That, hereafter, the prudential, fiscal, and municipal concerns of said town shall be vested in five trustees, who shall be elected annually on the first Saturday in April, by the free white male inhabitants thereof over the age of twenty-one years, and who shall have resided therein six months next preceding said election, and, also, by the free white male citizens of Hart county over the age of twenty-one years, who may own real property in said town. Said trustees shall hold their offices for the term of one year, and until their successors shall have been elected and qualified.

To take oath.

§ 3. That said trustees, before they enter upon the duties of their office, shall take an oath before some justice of the peace for Hart county, that they will faithfully, and without favor or affection to any one, discharge the duties of trustees of said town during their continuance in office. In case a vacancy shall occur in said board, those remaining in office shall have power to fill such vacancy.

Corporate
powers.

§ 4. That said trustees, and their successors in office, shall be a body politic and corporate, and be known by the name and style of the board of trustees of Woodsonville; and, by that name, shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, and things which a body politic and corporate, having perpetual succession, can lawfully and rightfully do.

Powers of
Trustees.

§ 5. That said trustees shall have power to make and receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and sidewalks of said town, or, when the interests of said town may be thereby promoted, to close up or change alleys, or open new ones, on paying the owners such damages as may be assessed; and may direct the improvement of the same in such manner as they may deem most beneficial to the interests of said town.

§ 6. They shall have power over that part of the turnpike road running through said town, to alter or change the location thereof into any street or streets of said town which they may deem advisable, and may remove the same from

any lot or lots over which it now runs, from whose owners the right of way has never been obtained: *Provided*, that in making any such change in said road, they shall grade and pave the same, and put it in as good repair as before any such alteration was made.

§ 7. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, as are not inconsistent with the laws and constitution of this state. They shall have power to levy and collect a poll tax upon all the legal voters of said town, and to tax all groceries, auction sales, shows, and exhibitions for money, such sum as they, by their by-laws, may declare. They shall have power to suppress all tippling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty-five dollars for each offense, which may be recovered before the police judge. They shall have power to declare what are nuisances within said town, and, by their order, may direct the same to be abated; or, by their by-laws, may impose a fine upon whosoever may have caused the same. They shall have power to provide for the security of said town, by organizing a fire company; and may punish, by fines and other penalties, those who fail to perform the duties required of them.

§ 8. That so much of an act, entitled, an act to reduce into one the several acts in relation to the town of Cynthia, approved March 7, 1850, as is contained in that portion of said act from the tenth to the twenty-fourth section, inclusive, shall apply to said town of Woodsonville as fully as if here recited.

Approved March 15, 1851.

CHAPTER 442.

AN AOT to create the office of Police Judge and Marshal in the town of Moscow, in Hickman county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the offices of police judge and town marshal are hereby created and established in the town of Moscow, in Hickman county.

Offices of judge
and marshal es-
tablished.

§ 2. That the said police judge and town marshal shall be elected by the qualified voters residing within the corporate limits of said town, in the following manner, to-wit: that two of the trustees of said town may, at any time after the second Monday in May, 1851, select a clerk, and, after having advertised in some public place at least ten days previous thereto, proceed to hold an election for said officers, to all three of whom an oath shall be administered by some justice of the peace for Hickman county, faithfully and impartially to discharge the duties of judges and clerk of said election, according to law.

To be elected.

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Judge of election to administer oaths.

§ 3. That any one of said trustees holding said election, as judge thereof, shall have power and authority to administer an oath to any one offering to vote; and for false swearing or illegal voting, the offender shall be subject to the same punishment, and the same penalties, and be proceeded against in the same manner as are prescribed by the general laws of this commonwealth for like offenses.

Result of election, how certified.

§ 4. That the officers holding said election shall make out and sign a certificate showing the result, and hand the same to the clerk of the Hickman county court, who shall immediately record it in a book to be by him procured and kept for that purpose; and said clerk shall receive such compensation therefor as is now allowed by law for similar services, to be paid out of the corporate funds of said town.

Duty of clerk.

§ 5. That the clerk of said county court, so soon as he receives said certificate, shall forward, by mail, an attested copy thereof to the governor, so far as the election of said police judge is concerned, who shall thereupon issue a commission to the person thus returned elected as police judge of said town, and forward the same.

Jurisdiction & powers of judge

§ 6. That said police judge, when elected and commissioned, as aforesaid, shall be a conservator of the peace throughout said county; his jurisdiction, both civil and criminal, shall be the same as that which now is, or may be conferred by law on justices of the peace; he shall have power to sit as a court of inquiry in criminal cases, to grant injunctions, attachments in chancery, *ne exeat*, and writs of *habeas corpus*, and receive returns of the same: *Provided*, that no defendant in any civil suit shall be compelled to go out of his justices' district to attend trial before said judge: *And, provided further*, that by removal out of the corporate limits of said town, said judge shall vacate his office; and in the event said office is vacated, by removal, death, or resignation, then the trustees of said town may proceed, as in the second, third, and fourth sections of this act is prescribed, to hold an election to fill such vacancy.

His fees.

§ 7. That the fees of said police judge shall be the same as are now, or may hereafter be allowed by law to justices of the peace for like services.

To keep record

§ 8. That said police judge, so soon as he receives said commission, may enter upon the duties of said office; he shall keep a faithful record of all his official acts, in the same manner and mode as are now required by law of justices of the peace; and, for a failure herein, shall be subject to the same penalties, as are now imposed by law upon justices of the peace for like offenses; and each successive judge, elected as aforesaid, shall deliver over to his successor all the official papers and records of said office; and, on failure, shall be subject to the penalties aforesaid.

May take depositions.

§ 9. That said police judge is hereby authorized to take depositions in the county of Hickman, and certify the same,

when they are to be read as evidence in any cause pending in any court in this commonwealth.

§ 10. That upon all judgments rendered by the said police judge, either party shall have the right to appeal, in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 11. That said police judge, before he enters upon the duties of said office, shall take an oath before some justice of the peace for said county, faithfully and impartially to discharge the duties of the office of police judge in the town of Moscow, according to law.

§ 12. That said police judge shall hold his office for the term of two years, and until his successor is elected and qualified according to law.

§ 13. That a certified copy of the official acts, records, and proceedings of said police judge shall be evidence, and have the same effect as records of justices of the peace.

§ 14. That said town marshal, when so elected, and said certificate furnished as aforesaid, shall, before he enters upon the duties of said office, take an oath before some justice of the peace for said county, faithfully and impartially to discharge the duties of said office of marshal, according to law; and shall also execute bond with good security, payable to the trustees of said town, and their successors in office, to be by any two of them approved, in a sum not less than five hundred dollars, containing conditions similar to those now required by law in constable bonds; and any person damnified by the official acts of said marshal, may sue or motion thereon before any court having jurisdiction thereof, in the name of the trustees of the town of Moscow, for his use and benefit; or may motion before the police judge of said town, in the same manner, and under the same rules that motions are made before justices of the peace against constables.

§ 15. That the trustees of said town, so soon as said bond is executed, shall attest the same, and deliver it to the clerk of the Hickman county court, who shall carefully preserve and file the same in his office; and said clerk shall give attested copies to any person who may call for the same; which copy or copies, when so attested, shall have the same force and credit, in all courts of justice, as other records from said office are entitled to under existing laws; and the said clerk shall receive from said applicant, or person applying for a copy of said bond, such fees as are now allowed by law for similar services.

§ 16. That said marshal shall be a conservator of the peace throughout said county; he shall have power and authority to execute all original, mesne, and final process issued by said police judge; in doing which he may go to any part of the county; and shall be governed, in the ser-

1851.

Appeals.

To take oath.

Powers & duties of marshal.

His official powers.

1851.

vice and execution of process, by the same rules, regulations, and laws that now, or may hereafter govern constables in the service and execution of process; and shall be liable for property held by virtue of a process, or for money collected, and may be proceeded against in the same manner now prescribed, or which may be prescribed by law in reference to constables.

§ 17. That each successive marshal, elected as herein directed, when he goes out of office, shall deliver to his successor such official papers as may need further official action.

§ 18. That said marshal shall hold his office for the same term that said police judge is allowed to hold, by this act, and until his successor is elected and qualified according to law.

§ 19. That the fees of said marshal shall be the same, in all cases, as those now allowed by law to constables for like services.

Approved March 15, 1851.

CHAPTER 443.

AN ACT to authorize the County Court of Nelson and Barren to subscribe stock in the Louisville and Nashville Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the sheriff of Nelson county, and the other officers holding the general election in said county, in the month of May next, to open columns in their several poll books, for the purpose of submitting to the legal voters of said county the question whether or not they will submit to an *ad valorem* tax not exceeding one half of one per cent. per annum on the property of said county, and the additional lists, under the equalization law, now subject to taxation by law, for the purpose of raising a fund to assist in the construction of a railroad within the limits of said county.

Vote to be taken.

§ 2. When any legal voter shall present himself at the polls at said election, and claim the right of suffrage, after he shall have cast his vote for the officers to be elected at such general election, it shall be the duty of the clerk of the election to put the question separately and distinctly to such voter, "do you vote for or against the railroad tax?" and if the voter shall vote upon said question, his vote shall be properly recorded by the clerk.

If a majority vote for said tax, the county court to levy it.

§ 3. Upon a comparison of the polls, as provided for by law, it shall be the duty of the several officers comparing them to certify said comparison to the county court of said county, at its next session; and if it shall appear to the court that a majority of all the votes cast in said county is in favor of the imposition of said tax, an order shall then be entered up by said court, directing the collector of reve-

nue tax in said county to collect an *ad valorem* tax from the citizens and property holders of said county, of one half of one per cent. per annum, for the term of ten years, commencing with and including the year 1852.

§ 4. If the imposition of said tax is demanded by a majority of the voters of said county, it shall be the duty of the county court to subscribe stock in said railroad company to an amount equal to the amount of tax to be collected in said county, to be paid according to the laws of this commonwealth, and the by-laws and ordinances of said railroad company: *Provided*, the route of said road shall run through or near to Bardstown, in said county.

§ 5. It shall be the duty of the collectors of revenue tax in said county of Nelson to give to each tax payer of said railroad tax a separate receipt for the amount of his tax, setting out the valuation of such tax payer's property, and the amount of his railroad tax; which receipt shall be transferable by written assignment; and the owner of said receipt shall be entitled, to the extent thereof, to an equal proportion of the stock owned by said county in said railroad company; and when any one person shall present to said county court receipts to an amount equal to one share or more of stock, said court shall give him a new certificate, specifying the extent of his interest, and shall order stock to that amount to be transferred to him, and to stand in his name.

Tax payers to
be stockholders.

§ 6. That the provisions of this act shall apply to the county of Barren; and the Barren county court, and the sheriff and election officers of said county shall be governed by the provisions of this act: *Provided*, that said Barren county court shall have no power to direct any tax to be collected under this act, or to subscribe any stock, unless said railroad shall pass through, or within one mile of the town of Glasgow.

Provisions of
this act to apply
to Barren co.

Approved March 15, 1851.

CHAPTER 444.

AN ACT to repeal an act to establish a Police Court in the town of Mount Vernon.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to establish a police court in the town of Mount Vernon, approved Feb. 28, 1848, be and the same is hereby repealed.

§ 2. That any justice of the peace for Rockcastle county is authorized to receive all the books and papers now belonging to the police court abolished by this act; and he is further authorized to do all acts that the police judge of said court could have done, to dispose of the unfinished business before said court.

Approved March 15, 1851.

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CHAPTER 445.

AN ACT for the benefit of the Sheriffs of Lewis and Mason counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Lewis county be allowed until the first day of April, 1851, to return his delinquent list of revenue tax for the year 1850; and that the late sheriff of Mason county be allowed until the first day of June, 1851, to return his delinquent list of revenue tax and county levy for the year 1850.

Approved March 15, 1851.

CHAPTER 446.

AN ACT to authorize the trustees of the town of Owenton to convey town lots.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the chairman and board of trustees of the town of Owenton, to-wit: George R. Buckner, chairman, A. P. Grover, Willis Roberts, William B. Vallandigham, David Condor, Samuel A. Green, and William McHatton, trustees, and their successors in office, be and they are hereby authorized and empowered to make deeds of conveyance to the purchasers and owners of lots in the town of Owenton, in Owen county; and said deeds of conveyance shall be as effectual to pass the title as if the same were made by the original trustees of said town under the first act of incorporation.

Approved March 15, 1851.

CHAPTER 447.

AN ACT to give additional Commissioners to the Mountsterling and Jeffersonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Moses Grooms, Haden Wyatt, Robert Wade, and Jeremiah Wilson be and they are hereby appointed additional commissioners, to act in conjunction with the commissioners heretofore appointed by the act chartering the Mountsterling and Jeffersonville turnpike road company.

Approved March 15, 1851.

CHAPTER 448.

AN ACT to amend the charter of the North Middletown, Mount Ida, and Mountsterling Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the North Middletown, Mount Ida, and Mountsterling turnpike road company be

so amended as to allow the president and directors of said road to locate it on the most direct and practicable route from North Middletown to Mountsterling, without regard to any intermediate point.

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Approved March 15, 1851.

CHAPTER 449.

AN ACT repealing an act, approved January 21, 1851, in regard to Three Mile Creek, in Lawrence county, and declaring said creek navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to repeal so much of an act, approved February 23, 1849, as declares Three Mile creek in Lawrence county, a navigable stream, approved January 21, 1851, be and the same is hereby repealed; and said Three Mile creek is hereby declared navigable from its mouth to its forks.

Approved March 15, 1851.

CHAPTER 450.

AN ACT extending the powers of the Mayor of the city of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the mayor of the city of Maysville to grant writs of injunction, attachments in chancery and at common law, and writs of *ne exeat*; and to grant writs of *habeas corpus*, and have the said writs of *habeas corpus* returned before himself, and try the same, as fully as the circuit judges are now authorized to do.

Approved March 15, 1851.

CHAPTER 451.

AN ACT to authorize the commandant of the 36th Regiment of Militia to collect fines assessed in 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the colonel commandant of the 36th regiment of Kentucky militia be and he is hereby authorized to list for collection, with the proper sheriff, the fines assessed by the court of assessment of said regiment on the first Monday in November, 1849; and it shall be the duty of such sheriff to receive said list of fines, and collect and account for the same, at such time, and under such penalties as are prescribed by law in regard to other militia fines.

Approved March 15, 1851.

1851.

CHAPTER 452.

AN ACT for the benefit of Isham G. Hamilton, clerk of the Boone County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act for the benefit of Isham G. Hamilton, approved January 26, 1849, be and the same is hereby extended and declared to be in full force and virtue one year from and after the first day of April next.

Approved March 15, 1851.

CHAPTER 453.

AN ACT to change the corporate limits of the town of Moscow, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third section of an act, entitled, an act to amend an act to establish the town of Moscow, in Hickman county, approved March 5, 1850, be and the same is hereby repealed; and the corporate limits of said town shall hereafter be as fixed by an act approved January 8, 1831.

Approved March 15, 1851.

CHAPTER 454.

AN ACT to incorporate the Versailles Joint Stock Building Company.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a company shall be and is hereby incorporated, as a body corporate and politic, in the town of Versailles, Woodford county, by the name of the Versailles joint stock building company, for the purposes of purchasing a lot in said town, and building thereupon an odd fellows lodge, store rooms, and whatever other building the stockholders may see fit.

§ 2. Be it further enacted, that the capital stock of said company shall not be more than ten thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock may be opened in the towns of Versailles and Mortonville, at such times as may be deemed best, under the direction of C. J. Smith, W. W. Twyman, J. W. Barr, David Thornton, George T. Cotton, and John T. Stevenson, at Versailles, and Robert Sullivan, Robert Wilhoit, and R. H. Campbell, at Mortonville, or some one or more of them, all of whom are hereby appointed commissioners for the purpose of obtaining subscriptions to said company; and the said commissioners, or such of them as shall act, shall procure a book or books, which shall contain the following obligation,

Company incorporated.

Capital stock.

Books to be opened for the subscription of stock.

and shall be signed by every person who shall take stock in said company: "We, whose names are hereunto subscribed, do severally bind ourselves, respectively, to pay to the president, directors, and company of the Versailles joint stock building company, the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the president and directors of said company;" and when the president and directors shall have been elected, as hereinafter prescribed, they shall have full control of the said books of subscription, and may have the same opened, from time to time, under their direction, until a sufficient sum is subscribed to complete the building:

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§ 4. That as soon as a majority of said commissioners, or a majority of those that shall act, shall be of opinion that a sufficient amount of stock is subscribed to justify the commencement of said building, they may call a meeting of the stockholders, (having first given at least two weeks written notice, in three public places in said town, of the time and place of such meeting,) and hold an election for a president and five directors, who shall hold their offices for one year, and until other like officers shall have been elected: *Provided*, that should a vacancy occur, either of the office of president or director, the remainder of the directors shall fill the same by appointment. Should all the offices of the directory become vacant, from any cause, any three of the stockholders may call a meeting of the stockholders, as above mentioned, to fill such vacancy, by an election. The directory shall appoint a treasurer, and such other officers as they may deem necessary.

Commissioners
to give notice
of time & place
of opening books

§ 5. The treasurer, before he enters upon the duties of his office, shall execute a bond to said company, with security to be approved by the directory, in such penalty as they may deem necessary, conditioned that he will well and truly, in all things, perform the duties of his office; and, whenever a demand shall be made on him by the directors, or its authorized agent, pay over, as they may direct, all sums of money in his hands as treasurer, and hand over all books and papers belonging to the company; and the said treasurer shall continue in office until the directory shall make another appointment: *Provided*, that no person but a stockholder shall hold the office of president, director, or treasurer of said company.

Treasurer's duty

§ 6. That upon the election and qualification of president and directors, they shall be a body politic and corporate, by the name and style of the Versailles joint stock building company; and, by said name, said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase

Corporate
powers.

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and profits thereof; of purchasing, selling, and conveying lots and tenements, as the same may be deemed necessary, by said directory, in the construction of said building; to sue and be sued, to plead and be impleaded, to answer and be answered, to contract and be contracted with, to have a common seal, and generally to do all and every thing which may be requisite, and not contrary to the intention of this act.

§ 7. That the president and directors be elected annually; and they shall have power to make calls upon the stockholders for payment upon their several subscriptions, which calls may be made at such times and manner as they shall deem right and just: *Provided*, that the first call shall not be over twenty per centum on the amount subscribed, and subsequent calls not more than ten per centum: *And, provided further*, that the president shall put up written notice, in three public places in said town, of the amount of the call on each share of the stock, and the time of payment, at least thirty days before the calls are due.

§ 8. That every stockholder shall be entitled to one vote on each share owned by him to the number of twenty; and shall be entitled to one vote for every two shares over twenty and under forty, and one vote for every five shares he owns over forty: *Provided*, that no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount of his call or calls, due and payable on the share or shares by him held, shall have been paid according to the requisitions of the president and directors.

§ 9. That the certificate of the president, countersigned by the treasurer, shall be evidence of ownership of stock in this company; and the same shall be transferable on the books of the treasurer, in person or by attorney, when all arrearages thereon shall have been paid, and not until then.

§ 10. That the president and directors shall keep a fair account of all the receipts and expenditures of the company, which shall at all times be open to the inspection of any stockholder, and be laid before the shareholders at their general meetings, which meetings shall be the meeting of the board of directors next preceding the annual election. They shall, at the end of every twelve months after the completion of said building, make a dividend of the clear profits, (if there should be any,) and pay it to the stockholders. The dividends shall be declared on the first day of March in each year, unless otherwise ordered by the by-laws.

§ 11. That the president may call a meeting of the board of directors at such times and places as he may think proper; the president shall give the casting vote in case of

a tie ; a majority of the directors shall constitute a quorum ; and, in the absence of the president, a majority of said directors, as aforesaid, may elect a president *pro tem.*, who shall have all the powers of the president.

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§ 12. That should any stockholder fail to pay the call or calls on his or her share or shares of stock for ninety days after the same is due and payable, the said board of directors shall have power to declare the said shares forfeited to the company, and may proceed to sell the same at public auction, the proceeds thereof to be applied to the construction of the building ; shall have full power to pass all by-laws necessary to promote the interest of the stockholders, and to superintend the construction of said building, and the management and control of the same. The trustees of Versailles shall have power to subscribe for stock in said company.

§ 12. The general assembly of Kentucky hereby retains the right and power to alter, amend, change, or repeal the foregoing charter.

Approved March 15, 1851.

CHAPTER 455.

AN ACT to extend the limits of the town of West Liberty.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the limits of the town of West Liberty be so enlarged as to include the following boundaries, to-wit: beginning at the ford of Licking river below the mills of Hazlerig and Barbour ; thence in a direct line to the new school house on the side of the hill, including said house ; thence in a direct line to the long branch ; thence with said branch to the division fence between Hazlerig's and Burns' ; thence in a direct line to the river, so as to include the dwelling now occupied by E. A. Hensley ; thence with the river to the beginning.

§ 2. That the citizens within the limits of said town, thus enlarged, shall be entitled to the same rights and privileges, and be subject to the same responsibilities which pertain to the citizens of said town within its original limits.

Approved March 15, 1851.

CHAPTER 456.

AN ACT to incorporate a Turnpike Road from Germantown to Thompson's Ford, on the North Fork, in Bracken County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby incorporated to construct a turnpike road, of stone or plank, from the town of Germantown to a bridge at Thompson's ford,

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on the North Fork of Licking river, in Bracken county, by the name of the Germantown and Thompson's ford turnpike road company; and, by that name and style, may sue and be sued, plead and be impleaded in all courts, and have and use a common seal.

§ 2. That the capital stock of said company shall be thirty thousand dollars, divided into shares of fifty dollars each, and be entitled to one vote for each share.

§ 3. That Dora Mitchell, William B. Harris, Thomas Galbraith, E. T. Currens, Isaac Pollock, R. P. Dimmit, John Blackburn, and John B. Woodward are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock at such time and places as they, or any four of them, may deem expedient; and so soon as one thousand dollars may be subscribed, the directors may be elected, and the road commenced; and so soon as two and a half miles are completed, the directors may erect a toll gate and charge half tolls.

§ 4. That all the rights, privileges, and liabilities that are conferred on the Maysville, Orangeburg, and Mount Carmel turnpike road company, by an act, approved March 1, 1850, are conferred on the Germantown and Thompson's ford turnpike road company.

Approved March 15, 1851.

CHAPTER 457.

AN ACT authorizing the Winchester and Kentucky River Turnpike Road Company to erect gates on certain conditions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the completion of three continuous miles of the Winchester and Kentucky river turnpike, the president and directors of said road company shall have the right to erect a turnpike gate, and charge for the travel on said road, so completed, a fair proportionate rate of toll.

Approved March 15, 1851.

CHAPTER 458.

AN ACT further to regulate the town of Bowlinggreen.

Whereas, by the late enlargement of the limits of the town of Bowlinggreen, it will become desirable and necessary to open and improve many streets, any make other improvements, to do which as soon as may be desired, it will be necessary for the chairman and board of trustees of said town to borrow money and issue the bonds of said town. Therefore,

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§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the chairman and board of trustees of the town of Bowlinggreen may borrow money, and issue the scrip or bonds of said town therefor, bearing interest, to the amount of ten thousand dollars, for the purpose of improving said town, in such manner as may be deemed reasonable and proper, from time to time; said bonds shall be signed by the chairman of the board, and shall be the bonds of the corporation.

§ 2. That the marshal of said town shall, during his continuance in office, be *ex officio* a constable, and may charge fees as such.

§ 3. That the citizens of said town, and their hands, shall be bound as heretofore to work upon all roads and streets within the bounds of said corporation, and keep the same in good repair; but they shall be exempt from working on roads outside of the limits of said town.

Approved March 15, 1851.

CHAPTER 459.

AN ACT to establish the town of Beatty, in the county of Owsley.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a town, to be called and known by the name of Beatty, shall be and the same is hereby established, on the lands of Saml. Beatty and others, on the Kentucky river, immediately opposite the town of Proctor, in the county of Owsley, to be bounded as follows, to-wit: beginning at a point where A. and H. McGuire's ferry road reaches the top of the river bank; thence at right angles from the river to the distance of one hundred and ten yards; thence nearly east a parallel line with the river to the lower creek; thence across said lower creek to the lots now laid out between the upper and lower creeks; thence running around the north side of said lots to the upper creek; thence across said creek so as to include Daniel's old store house; thence a straight line so as to include J. G. McGuire's store house; thence with said McGuire's fence to the river; thence down said river with its several meanders to the beginning.

Boundaries established.

§ 2. That Samuel Beatty, F. D. Beatty, John G. McGuire, Newbury Day, and Joseph H. Davis, and their successors in office, be and they are hereby appointed trustees for the purpose of laying off said town into lots, streets, and alleys, a plat of which they shall make out and cause to be recorded in the clerk's office of the Owsley county court. The title to said lots, streets, and alleys, when so laid off, is hereby invested in said trustees, and their successors in office; and they, or a majority of them, shall have power to dispose of said lots at public auction, at

Trustees appointed.

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such times and places as they may deem expedient, having first duly advertised the time and place of such sale. The purchase money for said lots shall be payable to said trustees, and collected by them; and when paid over to said Samuel Beatty, and to the other present owners of said land, according to their respective interests therein, said trustees, or a majority of them, or of their successors in office, shall convey the title to said lots to the purchasers thereof, or to the persons entitled to receive a conveyance of the same. Before paying over the proceeds of the sale of said lots, said trustees shall deduct therefrom all the expenses incident to the laying off of said lots, &c., and the sale and conveyance of the title to the same.

Powers of the
trustees.

§ 3. Said trustees, or their successors in office, shall have the power to appoint a clerk and marshal of said town, and to keep a record of their proceedings, and to make such by-laws and regulations respecting the government of said town as they may deem expedient, not inconsistent with the constitution or laws of this commonwealth. They shall have the power to levy and collect a tax upon the real and personal estate of the citizens of said town, not exceeding twenty-five cents on the one hundred dollars in value of such property, and a poll tax not exceeding one dollar upon each titheable of said town.

§ 4. That should any vacancy occur in the office of the trustees hereby appointed, the county court of Owsley county shall have full power to fill such vacancies, from time to time, until otherwise provided for.

Approved March 15, 1851.

CHAPTER 460.

AN ACT to incorporate Grant Lodge, No. 85, of Free and Accepted Masons.

Whereas, on the first day of May, 1849, James H. Lingenfelter, and Nancy, his wife, conveyed a certain lot of ground in the town of Williamsburg, in Grant county, to William S. Rankin, master, Carter B. Snell and Benjamin K. Merrill, senior and junior wardens of Grant lodge, No. 85, of free and accepted masons, and their successors in office, trustees for said lodge, and Andrew S. Linn, B. Stewart, and Esom Boyers, trustees appointed by the school subscribers in Williamstown and the neighborhood, and their successors in office, in trust for said school subscribers; and whereas, the members of said lodge are desirous of selling and disposing of their interest in said lot of ground, and said lodge has never been incorporated. Therefore,

Members in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the master, wardens, and brethren of said lodge be and they are hereby created a body politic*

and corporate, with perpetual succession, under the name and style of Grant lodge, No. 85, of free and accepted masons; and, by that name, may sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity in this state; and may have and use a common seal, and alter, break, and renew the same at pleasure.

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§ 2. That the said corporation shall have power to purchase and hold, in the county of Grant, any real estate not exceeding in value, at any one time, the sum of five thousand dollars, and to sell and convey the same at pleasure; to make all necessary by-laws for the government of said corporation, not inconsistent with the constitution and laws of this state or of the United States; and shall have all the powers properly belonging to incorporated bodies; and service of process upon the master of said lodge shall be sufficient for all legal purposes.

May hold real estate.

§ 3. That said William S. Rankin, Carter B. Snell, and Benjamin K. Merrill be and they are hereby appointed commissioners to sell and convey the interest of said lodge in the lot of ground mentioned in the preamble to this act, together with its appurtenances, or so much thereof as the members of said lodge, or a majority of them, may deem necessary and proper, for the use and benefit of said lodge.

§ 4. The general assembly reserves the right to alter or repeal this act at pleasure.

Approved March 15, 1851.

CHAPTER 461.

AN ACT to include the house and lot of Arthur Smith, within the town of Cadiz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundaries of the town of Cadiz, in Trigg county, be so altered as to include therein the house and lot in which Arthur Smith resides, adjoining the northern boundary line of said town.

Approved March 15, 1851.

CHAPTER 462.

AN ACT to authorize the erection of a monument to the memory of Col. Richard M. Johnson.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Mason Brown, John M. Hewitt, Edmund H. Taylor, and William Tanner be and they are hereby appointed commissioners, with authority to contract with Robert E. Launitz, or any mechanics of this commonwealth they may think proper, for the erection of a monument over or near the grave of Colonel Richard M. John-

1851.

son, in the Frankfort cemetery, in accordance with the plan and proposal furnished by said Launitz to the committee on military affairs of the house of representatives, or any other said commissioners may adopt.

§ 2. That the chairman of the aforesaid committee shall deliver into the hands of one of the commissioners named in the first section of this act, the plan and proposal before named; and when said monument is completed in accordance with the contract that may be agreed upon by said commissioners, and that fact certified to the second auditor, he is hereby authorized and directed to issue his warrant on the treasurer for nine hundred dollars, to be paid out of any money in the treasury not otherwise appropriated.

§ 3. The commissioners shall give a reasonable time for appropriate plans to be furnished by mechanics of this commonwealth, before they shall conclude any contract for said monument, and due notice in the public papers thereof.

Approved March 15, 1851.

CHAPTER 463.

AN ACT to purchase a burial place in the Frankfort Cemetery.

Whereas, there is no appropriate burial place belonging to the commonwealth of Kentucky, in the vicinity of the capital, and resolutions have been adopted ordering the remains of some illustrious citizens, who, during their lives, rendered important services to the state, to be disinterred for the purpose of permitting the rites of public sepulture to be administered. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the governor of this commonwealth be authorized and requested to purchase from the Frankfort cemetery company the six lots known as Nos. 131, 132, 143, 144, 154, and 155, in said cemetery, and the streets and alleys included between said lots, for the use of the state; and upon receiving proper assurances of title therefor, the governor aforesaid shall have authority to draw an order on the treasurer of this commonwealth for any sum not exceeding six hundred dollars, in favor of said company, for the purchase money of said lots.

Approved March 15, 1851.

CHAPTER 465.

AN ACT to create the offices of Police Judge and Marshal in the town of Clinton, in Hickman County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the offices of police judge and town marshal are hereby created and established in the town of Clinton, in Hickman county.

Offices of judge
& marshal es-
tablished.

§ 2. That the said police judge and town marshal shall be elected by the qualified voters residing within the corporate limits of said town, in the following manner, to-wit: that two of the trustees of said town may, at any time after the second Monday in May, 1851, select a clerk, and, after having advertised in some public place in said town at least ten days previous thereto, proceed to hold an election for said officers; to all three of whom an oath shall be administered by some justice of the peace for Hickman county, faithfully and impartially to discharge the duties of judges and clerk of said election according to law.

1851,
Police judge
and marshal
may be elected.

Oath to be ad-
ministered, &c.

§ 3. That any one of said trustees holding said election, as judge thereof, shall have power and authority to administer an oath to any one offering to vote; and for false swearing or illegal voting, the offender shall be subject to the same punishment, and the same penalties, and be proceeded against in the same manner as are prescribed by the general laws of this commonwealth for like offenses.

Result of elec-
tion to be cer-
tified.

§ 4. That the officers holding said election shall make out and sign a certificate showing the result, and hand the same to the clerk of the Hickman county court, who shall immediately record the same in a book to be by him procured and kept for that purpose; and said clerk shall receive such compensation therefor as is now allowed by law for similar services, to be paid out of the corporate funds of said town.

Duty of clerk.

§ 5. That the clerk of said county court, so soon as he receives said certificate, shall forward, by mail, an attested copy of the same to the governor of this commonwealth, so far as the election of said police judge is concerned, who shall thereupon issue a commission to the person thus returned elected as police judge of said town, and forward the same.

Powers & duties
of police judge.

§ 6. That said police judge, when elected and commissioned, as aforesaid, shall be a conservator of the peace throughout said county; his jurisdiction, both civil and criminal, shall be the same as that which now is, or may be conferred by law on justices of the peace; he shall have power to sit as a court of inquiry in criminal cases, to grant injunctions, attachments in chancery, *ne exeat*, and writs of *habeas corpus*, and hear and determine writs of *habeas corpus*: *Provided*, that no defendant in any civil suit shall be compelled to go out of his justice's district to attend trial before said judge: *And, provided further*, that by removal out of the corporate limits of said town, said judge shall vacate his office; and in the event said office is vacated, by death, removal, or resignation, then the trustees of said town may proceed, as in the second, third, and fourth sections of this act prescribed, to hold an election.

His fees.

§ 7. That the fees of said police judge shall be the same as are now, or may hereafter be allowed by law to justices of the peace for like services.

1851.

To keep record.

§ 8. That said police judge, so soon as he receives said commission, may enter upon the duties of said office; he shall keep a faithful record of all his official acts, in the same manner as are now required by law of justices of the peace; and, for a failure herein, shall be subject to the same penalties as are now imposed by law upon justices of the peace for like-offenses; and each successive judge, elected as aforesaid, shall deliver over to his successor all the official papers and records of said office; and, on failure, shall be subject to the penalties aforesaid.

Appeals.

§ 9. That upon all judgments rendered by the said police judge, either party shall have the right to appeal, in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

To take an oath.

§ 10. That said police judge, before he enters upon the duties of said office, shall take an oath before some justice of the peace for said county, faithfully and impartially to discharge the duties of the office of police judge in the town of Clinton, according to law.

Term of office.

§ 11. That said police judge shall hold his office for the term of four years, and until his successor is elected and qualified according to law.

§ 12. That a certified copy of the official acts, records, and proceedings of said police judge shall be evidence, and have the same effect as records of justices of the peace.

Powers & duties of marshal.

§ 13. That said town marshal, when so elected, and said certificate furnished, as aforesaid, shall, before he enters upon the duties of said office, take an oath before some justice of the peace for said county, faithfully and impartially to discharge the duties of said office of marshal, according to law; and shall also execute bond with good security, payable to the trustees of said town, (and their successors in office,) to be by any two of them approved, in a sum not less than five hundred dollars, containing conditions similar to those now required by law to be contained in constables' bonds; and any person damnified by the official acts of said marshal, may sue or motion thereon before any court having jurisdiction thereof, in the name of the trustees of the town of Clinton, for his use and benefit, or may motion before the said police judge of said town, in the same manner, and under the same rules that motions are made before justices of the peace against constables.

§ 14. That the trustees of said town, so soon as said bond is executed, shall attest the same, and deliver it to the clerk of the Hickman county court, who shall carefully preserve and file the same in his office; and said clerk shall give an attested copy to any person who may apply for the same; which copy, when so attested, shall have the same force and credit in all courts of justice as other records from said office are entitled to under existing laws; and the said

clerk shall receive from said applicant such fees as are now allowed by law for similar services.

1851.

§ 15. That said marshal shall be a conservator of the peace throughout said county; he shall have power and authority to execute all original, mesne, and final process issued by said police judge, in doing which he may go to any part of the county; and shall be governed, in the service and execution of process, by the same rules, regulations, and laws that now or may hereafter govern constables in the service and execution of process; and shall be liable for property held by virtue of a process, or for money collected, and may be proceeded against in the same manner now prescribed, or which may be prescribed by law in reference to constables.

§ 16. That each successive marshal, elected as herein directed, when he goes out of office, shall deliver to his successor such official papers as may need further official action.

§ 17. That said marshal shall hold his office for the same term that said police judge is allowed to hold, by this act, and until his successor is elected and qualified according to law.

§ 18. That the fees of said marshal shall be the same, in all cases, as those now allowed by law to constables for like services.

Approved March 15, 1851.

CHAPTER 466.

AN ACT authorizing the County Courts of sundry counties to subscribe stock in railroad companies.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the commissioners named in an act, entitled, an act to charter the Louisville and Bowling-green railroad company, be and they are hereby authorized, under the provisions of the twenty-second section of said act, in their respective counties, to make application to their respective county courts to submit the question of taxation to the qualified voters of said counties, to raise money for the purpose of subscribing stock in any company formed for the construction and establishment of a railroad commencing in Louisville, and terminating at Bowling-green or Nashville, upon condition that said road may be laid out and constructed to pass through any portion of their respective counties; at which election the question shall be distinctly put to each voter presenting himself and demanding to vote, "Do you vote for a tax to be levied to the amount of _____, should a railroad be laid out and constructed, beginning at Louisville and ending at Bowling-green or Nashville, and the same should pass through the county of _____?"

Com'rs Louis-
ville and Bow-
linggreen rail-
road may apply
to the county
courts to sub-
mit the question
of taxation, to
make said road
to the people of
said counties.

1851.

Duty of sheriffs.

§ 2. The sheriffs of the various places of voting shall attend at the county seats of their respective counties, on the third day after the taking of said votes, and compare the same; and if it shall be ascertained that a majority of those voting have voted for a subscription of stock, they shall certify such fact to the county court, and return the poll books, which shall be carefully preserved by the clerk; whereupon, it is hereby declared to be the duty of the county court of any such county to make an order that said sum shall be subscribed as stock in said railroad company, upon the conditions aforesaid; and shall further make an order that the sum so voted for shall be assessed upon the property which, by the laws of this state, is taxable for revenue purposes, in five equal annual instalments: *Provided*, the subscription of the county of Simpson be made dependent upon the road passing through or near the town of Franklin, in said county; and that the subscription of said county of Simpson shall not be more than fifty cents per year on the one hundred dollars worth of taxable property, for five years; and that a majority of the qualified voters of said county shall vote for the same, before said tax is levied in that county.

Said counties may borrow money.

§ 3. That any one, or either of said counties, may obtain a loan upon a credit for a term not exceeding ten years, by the issuing of a bond or bonds of said county or counties, for any part or all of said sums; which bond or bonds shall be executed by the presiding judge of the county court, to which the county seal shall be attached, and attested by the clerk of the county court; such bond or bonds shall bear an interest of six per cent. per annum, and for the payment of which it shall be the duty of the county giving such bond to levy a tax, in such manner, and at such times as may be necessary to meet the interest, and pay the principal at maturity.

Collectors may be appointed.

§ 4. The county court, on the recommendation of the president and directors of said company, may appoint a collector or collectors of the taxes so assessed for railroad purposes, who shall receive for his compensation a per cent. for collection, not exceeding five per cent.; and when appointed, such collector or collectors shall and are hereby vested with all the power to distrain and sell property for purposes of collection, as is now vested in collectors of the revenue tax. Before entering upon the collection of such taxes, such collector shall enter into bond with approved security, in double the amount assigned him for collection, payable to the president, directors and company of the road to which such subscription may be made; and, for any defalcation, suit may be instituted, on motion made, and such collector subjected to the penalties prescribed by law for a failure to collect and pay over the revenue of the state.

§ 5. The levy for each year shall be made at the next county court, or the court succeeding the assessment.

1851.

§ 6. That after the return of the assessment of property, and for the purpose of securing prompt payment, the company is authorized to appoint a receiver in each county; and to all those who shall make payment within one month after such assessment, an abatement of five per centum upon the amount of their tax shall be allowed. For every payment of tax the collector or receiver shall execute to the tax payer a receipt for the amount so paid for railroad purposes; and within twelve months after such payment, those making said payments shall present said receipts to the president of the company, or such other officer designated for that purpose, who shall execute to the holder of such receipt, or his assignee, a certificate for so much stock paid in said company, upon which dividends shall be paid according to the provisions of the charter: *Provided*, that all those, in each of said counties, who may subscribe as individual stockholders in said road, shall not be compelled to pay taxes under this act, except to the extent that their road taxes may exceed their private subscriptions.

Receiver may be appointed.

§ 7. The county courts, for and on behalf of their respective counties, may appoint an individual to cast the vote for such county at elections for president, directors, and other officers of said company; which appointment, when made from time to time, shall be entered of record.

Approved March 15, 1851.

CHAPTER 467.

AN ACT to incorporate the Burlington and Florence Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name, style, and title of the Burlington and Florence turnpike road company, for the sole purpose of forming and maintaining an artificial road from Burlington, in Boone county, to Florence, so as to intersect at that place the Covington and Lexington turnpike road.

Name and style.

§ 2. The capital stock of said company shall be sixteen thousand dollars; and the company aforesaid is hereby authorized to raise, by subscription, the sum aforesaid, to be divided into shares of twenty-five dollars each.

Capital stock.

§ 3. That the books for the subscription of stock in said company shall be opened at any time after the passage of this act, at the town of Burlington, under the direction of Erastus Tousey, Hubbard T. Buckner, John Gaines, and Lewis Webb; at the town of Florence, under the direction of Albert Price, Henry T. Snyder, Jacob I. Carpenter, J. W. Pitts, and Paschal Conner, or some one or more of them at each place. That such of the two classes of commis-

Books to be opened.

1851.

sloners appointed by this act to open books for the subscription of the capital stock of said company, or such of them as may act, shall procure one or more books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the president, directors, and company of the Burlington and Florence turnpike road company the sum of twenty-five dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company."

§ 4. The books or subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the books are closed.

When company may be organized and officers elected.

§ 5. That so soon as three hundred and twenty shares in said company are subscribed, it shall be the duty of said commissioners, or such of them as may act, to give notice of a meeting of the stockholders of said company, to meet in the town of Burlington, for the purpose of choosing officers; said notices to be put up at Burlington and Florence at least ten days previous to said meeting; at which election at least three of the commissioners above named shall be present, who shall proceed to take the votes, by ballot, of said stockholders, who shall have the right to vote in person or by proxy, under power of attorney satisfactorily authenticated, each stockholder having one vote for every share so held, for a president and four directors, who shall hold their offices for one year, and until others shall be duly qualified.

Oath of office.

§ 6. That the said president and directors shall, before they enter upon the duties of their appointments, take an oath before some justice of the peace, that they will faithfully discharge the duties of president or directors, (as the case may be,) without fear, favor, or affection, according to law, and the best of their judgments; a certificate of which oath shall be returned to the county court of said county, and recorded in their order book. That upon the qualification of the president and directors, they shall appoint a treasurer, and such other officers as they shall deem necessary, who shall hold their offices during the pleasure of the said president and directors. The treasurer of said company shall, before he enters upon the duties of his office, give bond, with two or more good securities, in the penalty of eight thousand dollars, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of said company, and that he will faithfully perform the duties required of him by the by-laws of said company.

1851.

Corporate power.

§ 7. That upon the election and qualification of the president and directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style, and title of the Burlington and Florence turnpike road company; and, by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be deemed necessary to them in the prosecution of their work; and to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all the courts of this commonwealth, or in any other place whatever; and, also, to have a common seal; and to do all and every other matter and thing which a body politic or corporate may do.

§ 8. That the said president and directors, upon their entering on the duties of their office, may call upon the stockholders for the payment of five dollars on each share subscribed by him or her in said stock, and may, if deemed necessary, call for five dollars on each share every fifty days, until the whole amount subscribed shall be paid.

Stock, how to be paid.

§ 9. The annual election for president and directors shall be held on the first Saturday in April, at such place as the president and directors may direct; and the number of votes to which each stockholder shall be entitled shall be in the proportion named in the fifth section of this act; and after the first election, no share or shares shall confer the right of voting, which shall not have been holden three months previous to the election; and at each election, the president shall lay before the stockholders an expose of the situation of said company, and also the record of their proceedings for the preceding year.

Election of directors, when to be held.

§ 10. That the president and directors, chosen as aforesaid, shall deliver a certificate, signed by the president and countersigned by the treasurer, sealed with the seal of the corporation, to each shareholder for each share by him or her subscribed and held; which certificate shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon; the original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall be a member of said corporation, and entitled to all the benefits and privileges that the original owner was entitled to.

Certificate of stock to be issued.

§ 11. That the president may call meetings of the directors at such times and places as he may think proper; two of said directors and the president, or three of said di-

Duty of the directors.

1851.

rectors, in the absence of the president, shall be necessary for the transaction of business; they shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and they shall be signed by the president; and in case of the death or absence of the president, the directors shall elect a president *pro tempore*; and they may adjourn from time to time, as they may think proper.

May appoint
agents, &c.

§ 12. That the president and directors shall have power and authority to agree with and appoint all such surveyors, engineers, superintendents, artists, and officers as they may judge necessary to carry on the contemplated work, and to fix their salaries and wages; to prescribe the time, manner, and proportions in which the stockholders shall make payments on their respective shares, to carry on said work; to draw orders on the treasurer for all moneys necessary to pay the salaries or wages of persons employed, and for the labor and materials furnished, and to do all such other matters and things as, by this charter and the by-laws of the corporation, they are or shall be required to do.

Notice of calls
on stock to be
given.

§ 13. That the president shall give notice, in writing, posted up at Florence and at Burlington, at least fifteen days beforehand, of the amount of the call on each share of stock, and of the time of payment: *Provided*, that no stockholder shall vote at any election, or be entitled to any one of the rights of a member of said corporation, unless the whole amount due and payable aforesaid, on the share or shares by him or her held, shall have been paid agreeably to the requisitions of said president and directors.

May enter on
lands, &c.

§ 14. That the president and directors shall employ such surveyors, engineers, artists, and chain carriers as they may think necessary; and they are hereby authorized to enter in and upon the land, and enclosures, and public roads through and over which the said intended road may be thought proper to pass, and to examine and survey the ground most proper for the purpose, and to examine the quarries, beds of stone and gravel, and other materials necessary for the completion of said road; and they shall locate the said road on the line on which it shall be to the interest of said company to construct the same, in the opinion of said president and directors, from a point at Burlington at the intersection of Washington and Jefferson streets, to said Covington and Lexington road at some point in said town of Florence, to be determined by said president and directors.

Land, how to
be condemned.

§ 15. That the said president and directors shall have the right to survey, lay out, and make their road through any improved or unimproved lands between the points aforesaid; and take from the land occupied by said road, when surveyed and located, as aforesaid, or upon any lands in the vicinity thereof, any stone, gravel, timber, or other

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materials necessary to construct a good, secure, and substantial road, as contemplated by this act: *Provided*, the said stone, gravel, or other materials have not been previously quarried, dug, or otherwise appropriated by the owner thereof; and if any difference should arise between the owner or owners of any ground, or their agents, from which said materials are sought to be taken, as aforesaid, and the agents of said company, respecting the value thereof, or damages therefor, the same shall be determined in the manner directed by an act of the general assembly of the commonwealth of Kentucky, approved 22nd February, 1836, entitled, an act to provide for condemning land and materials for the construction of turnpike roads, bridges, and other works of internal improvement.

§ 16. That so soon as the location of said road shall have been made, the said president and directors shall proceed to commence the construction thereof at any point, or at as many points as they shall elect; and they shall cause the said road to be opened not less than twenty-five nor more than twenty-two feet wide, of which not less than fifteen feet shall be made an artificial road composed of stone or gravel, well compacted, and put together in a proper and suitable manner, so that the same shall measure in the centre at least ten inches, gradually tapered to seven inches at least at the edge; and shall maintain and keep the same in good repair; and in no case shall the ascent in the road be of a greater elevation than three and one-half degrees.

How road to
be made.

§ 17. That so soon as the president, directors and company shall have completed, on any part of said road, three continuous miles thereof, they shall call on three disinterested house-keepers in the county of Boone, who are in no wise interested in the stock of said company, to examine the same; and if they shall certify (having been previously sworn for that purpose) that said road is made in conformity to the provisions of this act, which certificate shall be recorded in the office of the clerk of said county, the president and directors may cause a gate to be erected across said road, and may collect the tolls and duties hereinafter granted to the said company from all persons traveling with horses, cattle, or any other animals, and with carriages, sleds, and other vehicles of conveyance: *Provided*, that no gate shall be erected within less than one-half mile from either of said towns, and that not more than two gates shall be erected on said road.

May erect a
toll gate.

§ 18. That when the said road, or any continuous three miles thereof, shall be completed, the said president, directors and company may contract for, purchase, and hold to them, and to their successors forever, any quantity of land not exceeding one acre at the site of each toll gate erected upon the said road, agreeably to the provisions of this act; and if they cannot agree for such quantity of land, at their

Company may
own land for the
erection of toll
gates, &c.

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respective gates, with the owner or owners thereof, they may sue out from the county court of Boone a writ, in the nature of a writ of *ad quod damnum*, and like proceedings shall be had as directed in relation to stone, &c., in the 15th section of this act: *Provided, however*, that in the selection and appropriation of land, under this section, the president and directors shall not include the dwelling houses, out houses, orchards, or gardens of any person, without their consent; and shall not locate the said land so as to prevent the owner or owners of the adjoining land from access to the said road on either side of any gate to which they would have had access if such location had not been made.

Rates of toll.

§ 19. That so soon as the gate or gates shall be erected, as aforesaid, it shall and may be lawful for the president and directors to appoint such and so many toll gatherers as they may think proper, to collect and receive of and from every person or persons using the said road, the following tolls and rates hereinafter mentioned, and to stop any person, riding, leading, or driving any horse or other animal, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through said gate or turnpike, till they shall have paid toll agreeably to the following rates, to-wit: for every twenty head of sheep, hogs, or other small stock, five cents; for every ten head of cattle, five cents; for every horse, mule, ass, and other four-footed animal of a larger kind, except cattle, three cents; for every two wheel pleasure carriage, three cents, exclusive of the beast by which it is drawn, and the person or persons transported by it; for every four-wheeled pleasure carriage, buggy, &c., five cents, exclusive as above; for every cart, wagon, or other carriage of burthen, ten cents.

Penalty for
evading the
payment of toll.

§ 20. That if any person or persons liable to pay the tolls aforesaid, at either of the toll gates erected in conformity with this act, shall, with an intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds or lands near to, or adjoining any part of said road or gate, or with intent aforesaid, or shall take off, or cause to be taken off any horse or other beast, or cattle of draught, burthen or pleasure, or shall practice any other fraudulent device with intent to evade the payment of any such toll or duty, such person, so offending, for every such offense, shall respectively, forfeit and pay to the president and directors the sum of twenty dollars, recoverable before any justice of the peace in like manner as other debts of equal amount, in the name of the president, directors and company aforesaid.

Proceedings
when road is
out of repair.

§ 21. That if, at any time, the said road shall be out of repair for the term of ten days, it shall and may be lawful for any person to call on two adjacent justices of the peace

1851.

for Boone county, to go and inspect said road; and if, upon inspecting the same, and receiving proof that it had been out of repair for the term aforesaid, the said justices shall, by their order delivered to the treasurer of said company, and, in case of his absence, to the president, or any of the toll gatherers, direct that no toll or duty shall be required on said road until the same shall be repaired and put in good order; and if any toll shall be taken or demanded after the delivering of such order, the said company shall forfeit and pay the sum of five dollars for each and every offense, to be recovered as other debts of like amount, and upon service of process upon the acting president of said company, or any toll gatherer; *Provided, however*, that said recovery shall only be had against the company for the unlawful demand of the toll gatherer nearest that part of the road so declared to be out of order or repair: *And, provided further*, that there shall have been sufficient time to inform the gate keeper of said order having been delivered to the president; and when the same is repaired, like proceedings shall be had by such justices, who shall direct the toll to be demanded.

§ 22. That the president and directors shall cause to be kept a fair and just account of all moneys which shall be received by them from the subscribers of stock of said company; also, of all moneys expended by them in the prosecution of said work, and all costs, charges, and expenses of said road, or any section thereof, which shall be paid and discharged; and the aggregate amount, when ascertained, shall be entered on the books of the treasurer. The president and directors shall, at the end of every six months after the said road shall be completed, or any section of three miles thereof, make a dividend to the stockholders whose stock has been paid in and expended on said road, or any three miles thereof: *Provided*, that no dividend shall be paid over to such of the stockholders as may have failed to pay over, in pursuance to the order of said president and directors, the amount of stock which they may have subscribed on the books of said company; the same shall be retained by the treasurer of said company, subject to the order of the president and directors thereof, to be by them employed towards the completion of said road.

Directors shall
keep a record of
their acts.

§ 23. That the proceedings by this charter, directed in the 15th section, shall be made and prosecuted in the county court of Boone county; and jurisdiction is hereby conferred on said court for that purpose.

§ 24. That the commissioners appointed to receive subscriptions of stock, or any one of them, are hereby authorized to take a release of the ground and right of way from the persons through whose lands said road may pass, and be constructed, and a grant of the materials that may be necessary to construct or repair said road.

1851.

Stock may be
paid in work.

§ 25. It shall the privilege of each subscriber to said road to work out the amount of his stock, at the estimated price for the labor to be done, or he shall have the preference at the lowest bid.

Approved March 18, 1851.

CHAPTER 468.

AN ACT to amend the charter of the town of Paducah.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, all improvements of the streets, alleys, and sidewalks in the town of Paducah, both as to grading, paving, McAdamizing, or any other improvements of the same, made or ordered to be made by the authorities of said town, shall be made and done in such manner as shall be prescribed by the chairman and board of trustees of said town, and at the cost and expense of the owners of lots or real estate fronting on all such streets or alleys, and not otherwise.

§ 2. That for the purpose of making all such improvements, the chairman and board of trustees shall have power and authority to cause the same to be done in all cases, when a majority of all the owners of lots, (that is, a majority in the number of feet of ground fronting on such street, alley, or sidewalk being owned by the petitioners,) on any street, alley, or sidewalk proposed to be improved, shall petition said board to have such work done.

§ 3. That whenever a majority of the owners of lots or real estate on any one or more squares fronting on any street or alley, shall desire to improve in front of any one or more squares upon such street or alley, such owners may petition to have such improvements made; and said board of trustees, two-thirds thereof concurring therein, shall have power and authority to order and have such work done.

§ 4. That in assessing and raising the means to pay for all such improvements, when made, whether the same shall be upon the whole of any street or alley, or any part of the same, not less than in front of one square, the whole cost of improvement on each square shall be equally paid by all the owners of property on each separate square, according to the number of feet or distance each proprietor may own on, and fronting such square on any such street, alley, or sidewalk.

§ 5. That it shall be the duty of said chairman and board of trustees, when the owners of property on such street or alley shall improve, as aforesaid, in front of their property, to improve, in the same way, and at the same time, at the cost of the town, the squares included in the crossings or intersections of such streets, alleys, &c.

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§ 6. That so soon as said improvements herein named shall be completed, a lien shall attach in favor of said chairman and board of trustees, upon each of the lots in front of which said improvements are made, which they may enforce against all and every one in default, in not paying his, her, or their part of the costs of such improvements, and to be enforced according to the provisions of the present charter, by a sale of the lot or lots not paid for by the owner, for the cost due from him, her, or them on account of the improvements aforesaid.

§ 7. That in making contracts to have such work done, it shall be lawful for the owners of the property in front of which said improvements are to be made, under the sanction of the board of trustees, to unite in making a contract for themselves, provided they can do so; and the same, when made by those who shall petition for such work to be done, shall be as valid in law as if made by the board of trustees: *Provided*, that all such contracts shall be in writing, and reported to the board of trustees for their sanction.

§ 8. That whenever the owners of property upon the side of any square shall refuse to improve the street or alley in front of the same, it shall be lawful for the chairman and board of trustees, by their unanimous concurrence therein, to compel such improvements to be made as they shall prescribe, at the cost, equally, of such defaulting owners of property.

Approved March 15, 1851,

CHAPTER 471.

AN ACT to repeal an act to amend the charter of the Covington and Lexington Railroad Company, approved March 4, 1850; and, also, an act supplemental to said act, approved March 6, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act to amend the charter of the Covington and Lexington railroad company, approved March 4, 1850, be and the same is hereby repealed; also, an act supplemental to an act, entitled, an act to amend the charter of the Covington and Lexington railroad company, approved March 6, 1850, be and the same is hereby repealed, so far as the said laws relate to the county of Kenton.

Approved March 30, 1851.

CHAPTER 472.

AN ACT to establish the Police Court of Poplar Plains.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is established in the town of Poplar Plains, in Fleming county, a police court, to be

Court established, and officers to be elected.

1851.

called the police court of Poplar Plains, the officers whereof shall be a judge and marshal, who shall be elected by the persons entitled to vote for trustees of said town, at the same time and place that the said trustees are elected. The first election for said judge and marshal shall be held on the first Monday in April, 1851, and thereafter every two years; said election shall be conducted by the said officers who conduct the elections for trustees of said town; who shall give certificates of election to the persons so elected. The record of the election shall be kept by the same persons who keep the record of the election of said trustees. In case of a tie vote, the officers conducting the election shall choose, by lot, between those having the highest equal vote. Vacancies shall be filled, and contested elections settled, in the same manner and by the same authorities that vacancies are filled and contested elections settled for justices of the peace.

Term of office.

§ 2. The police judge and marshal first elected shall hold their offices until the elections of trustees of said town in the year 1853, and until their successors are elected and qualified, and thereafter for the term of two years, and until their successors are elected and qualified; but in no event shall they hold for a longer term than three years from the day of their election.

Where officers shall reside.

§ 3. The said officers shall reside and keep their offices in the limits of said town. The governor, when informed of the election of said judge, shall issue to him a commission; and upon its reception, said judge, before any person authorized to administer oaths, and in the form of an affidavit, shall take the oath required by the constitution, and also an oath that he will discharge the duties of his office according to law; which affidavit, certified by said officer, shall be recorded by the clerk of the Fleming county court in his office, for which he shall receive twenty-five cents.

Marshal to take oath & execute bond.

§ 4. The marshal shall, in the Fleming county court, in open court, take the oath required by the constitution, and also an oath that he will discharge the duties of his office according to law; and shall enter into bond to the commonwealth, in the penalty of two thousand dollars, with security to be approved by the court, conditioned that he will discharge all the duties of said office truly; and the same shall be filed and kept as a part of the records of said court, upon which any person aggrieved by the official acts of said marshal may sue. For his services the county clerk shall be allowed the same fee he is entitled to for administering oaths and taking bond of a constable.

Qualifications.

§ 5. The judge shall possess the same qualifications as those required of a justice of the peace, and the marshal those of a constable; and for misfeasance or malfeasance in office on the presentment of a grand jury, they may be

removed from office, subject to an appeal to the court of appeals; and shall be liable to impeachment, and incur all the penalties arising therefrom.

1851.

§ 6. Said court shall have jurisdiction of all violations of the ordinances of said town, and concurrent jurisdiction with justices of the peace in all matters which now are, or hereafter may be cognizable before them, with the same powers, privileges, and rights, and under the same rules and restrictions. The marshal shall exercise the same powers and possess the same rights as a constable now has, or may hereafter have. They shall severally be entitled to charge and receive the same fees as justices of the peace and constables are, or may hereafter be entitled to receive for like services.

Jurisdiction.

§ 7. Appeals from the decisions of said police judge shall be allowed to the circuit and county court, under the same rules and regulations as are allowed from those of justices of the peace; and when said officers go out of office, they shall deliver to their successors all the official records and papers in their hands, and may require a receipt therefor.

Appeals.

§ 8. If either of said officers shall exercise any of the duties of his office before he shall have qualified, he shall be fined in any sum not exceeding one hundred dollars, to be collected as other fines are.

§ 9. The marshal shall execute the process of said court; but the judge may, for good cause, and in case of urgency, direct the same to any constable or the sheriff of said county, who shall execute them.

Approved March 20, 1851.

CHAPTER 473.

AN ACT for the benefit of John M. Gallagher.

Whereas, it is represented that John M. Gallagher, of Meade county, has paid one hundred dollars to the clerk of the Meade circuit court, and the same has been paid into the treasury, upon a license to act as agent for a foreign insurance company; and it appearing that, at the time such license was obtained, there was no law requiring the payment of such tax. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be and he is hereby directed to issue his warrant on the treasurer, in favor of the said John M. Gallagher, for one hundred dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved March 20, 1851.

1851.

CHAPTER 474.

AN ACT for the benefit of the Mechanics of Muhlenburg County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the provisions of an act, entitled, an act for the benefit of the mechanics of Union county, approved January 22, 1849, be and the same are hereby extended to the county of Muhlenburg, in the same manner as if it were here re-enacted at length.

§ 2. That the owner or owners, their heirs, administrators, or executors, of property sold under the provisions of this act, shall have the right to redeem the same as defendants have to redeem lands sold under execution, and upon like terms; and the court decreeing a sale of property under this act shall cause the same to be valued by two disinterested housekeepers, before making sale thereof.

Approved March 20, 1851.

CHAPTER 475:

AN ACT for the benefit of certain Common School Districts in Henderson, Henry, and Monroe counties.

Henderson.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the superintendent of public instruction be authorized, and it is hereby made his duty, to receive from the school commissioners of Henderson county a supplemental report of district No. 25, in said county, at any time prior to the first of May next; and if it shall appear, upon such report, that said district No. 25 has actually taught a common school, in manner and form according to law, for above three months during the year 1850, then it shall be the duty of said superintendent to draw his draft upon the second auditor, in favor of the school commissioners of Henderson county, for the use and benefit of said district, for such sum as the whole number of children reported in said district shall entitle them, according to the ratio of dividend declared for 1850 by the board of education.

Henry.

§ 2. That it shall be lawful for the superintendent of public instruction, and it is hereby made his duty to receive the reports of the trustees of district Nos. 21 and 43, in Henry county, at any time before the first day of May next; and if it appears therefrom that the law was fully complied with on the part of said districts, and the requisite schools taught therein, he shall make such allowance thereto as the number of children reported shall entitle them, and draw his draft in behalf of the school commissioners of Henry county, for the use and benefit of said districts, for the respective sum so allowed.

§ 3. That the commissioners of common schools for the county of Monroe may now make out and file with the superintendent of public instruction a special report, showing the statistics of school district No. 19, in said county; and the said superintendent shall, upon such special report being filed with him, draw his draft upon the second auditor for the amount to which said district may be entitled by her numbers, according to the rates fixed for each child at school for the last year.

1851.

Monroe.

Approved March 20, 1851.

CHAPTER 476.

AN ACT for the benefit of Green Adams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purpose of compensating Green Adams for his services as prosecuting attorney at the fall term, 1849, of the Harlan circuit court, the second auditor be and he is hereby directed to issue his warrant on the treasurer for twenty dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved March 20, 1851.

CHAPTER 477.

AN ACT to allow John A. Hunt, of Laurel county, to vend goods, wares, and merchandise without license.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John A. Hunt, of Laurel county, be and he is hereby permitted to vend his goods, wares, and merchandise as a peddler, in any county of this state, without the payment of the tax now required by law of peddlers: *Provided*, that the privilege hereby granted shall not be exercised for the benefit of any other person, either directly or indirectly: *And, provided further*, that said Hunt shall be liable to all the penalties imposed by law for retailing spirits, or dealing unlawfully with slaves.

Approved March 20, 1851.

CHAPTER 478.

AN ACT for the benefit of the Sheriff of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Rowan Henderson, sheriff of Rockcastle county, be and he is hereby allowed until the last day of May, 1851, to return his delinquent list for the revenue of 1850.

Approved March 20, 1851.

1851.

CHAPTER 479.

AN ACT for the benefit of the Sheriff of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Whitley county shall have until the fifteenth day of April next to return his delinquent list to the second auditor, for the year 1850.

Approved March 20, 1851.

CHAPTER 480.

AN ACT to amend an act, entitled, an act to incorporate the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act to incorporate the Maysville, Orangeburg, and Mount Carmel turnpike road company, approved March 1, 1850, as requires said company to construct a road fifty feet wide, be and the same is hereby repealed; and the president and directors of said company shall be vested with a discretion to open said road any width which they may deem best: *Provided*, the same be not more than fifty nor less than thirty-two feet in width.

Approved March 20, 1851.

CHAPTER 482.

AN ACT to amend an act, entitled, an act incorporating the Trustees of the Parochial School of the Hanging Fork Presbyterian Church, approved February 9, 1850.

Whereas, David Williams, of the county of Lincoln, by his last will and testament, devised the sum of five thousand dollars to be paid to the trustees of the Hanging Fork presbyterian church, (Tilman Hocker, James Blain, and George F. Lee,) and their successors, to be by them lent out or invested, and the proceeds used for the benefit of such school or schools as said church, by its session, might establish for the purpose of securing a sound christian education; and requested that said trustees should apply to the general assembly of Kentucky for such power as might be necessary to enable them to hold, manage, and use said fund for the purposes aforesaid; and said trustees having made application for such power. Therefore,

Corporate
powers granted.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the session of the Hanging Fork presbyterian church, consisting of Tilman Hocker, James Blain, Geo. F. Lee, George B. Anderson, Walter Nichols, and George W. Welch, and the pastor of said church for the time being, *ex officio*, and their successors in office duly elected, be and they are hereby incorporated and made a body politic and corporate, by the name and style of the

1851.

trustees of the parochial school of the Hanging Fork presbyterian church; and, by that name, shall have perpetual succession, and may use a common seal, or their individual seals or scrolls; may sue and be sued, plead and be impleaded, in any court of law or equity, and do all other matters and things incident to corporate bodies.

§ 2. That said trustees, and their successors, by the name aforesaid, shall be capable, and they are hereby invested with full power to purchase, receive, and hold to them and their successors, any lands, tenements, hereditaments, goods, chattels, books, and philosophical apparatus which may be purchased by, given, or devised to them; also, to take, receive, hold, and apply any legacy, donation, or bequest which may be given, granted, devised, or bequeathed to them, for the use and benefit of said school.

May hold real estate.

§ 3. That said school shall be located in the town of Hustonville, or its vicinity, and be under the care of the session of the Hanging Fork presbyterian church, who shall have the right to visit and supervise the same.

Where school to be located.

§ 4. That the trustees of said school shall have full power to erect all necessary buildings for the use of said school, and employ a competent teacher or teachers to take charge thereof with power to remove them at pleasure.

§ 5. That a majority of said trustees shall be sufficient for the transaction of business.

§ 6. That said trustees and successors shall have power to appoint a president, secretary, and treasurer.

§ 7. The trustees of said school shall have power to loan out and use any funds which may belong, or which may hereafter be given, devised, or received by them, for the use and benefit of said school.

§ 8. That Tilman Hocker, James Blain, and George F. Lee, trustees of the Hanging Fork presbyterian church, be and they are hereby authorized to pay over to the trustees of the said school any moneys that they may receive, under the provisions of the will of said David Williams, for the purpose aforesaid; which payment, when made, shall be good, valid, and binding in law.

§ 9. That the trustees of said school shall have full power to make all by-laws, rules, and regulations for the government of themselves and said school, not inconsistent with the laws and constitution of this state; and shall keep a record book of their proceedings, the minutes of which shall be attested by the president of the board.

§ 10. That so much of the act to which this is an amendment, as is inconsistent herewith, is hereby repealed.

§ 11. The general assembly reserves the right to modify or repeal this act at pleasure.

Approved March 20, 1851.

1851.

CHAPTER 485.

AN ACT to reduce into one the several acts regulating the town of Madisonville.

Trustees to be
elected annually

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, the prudential, fiscal, and municipal concerns of the town of Madisonville, as now laid out and defined, shall be vested in five trustees, who shall be elected annually, together with a town marshal, on the last Saturday in April, by the persons at that time entitled to vote in said town for state officers. Said trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and duly qualified; and before they enter upon the duties of their office, they shall take an oath before some justice of the peace, that they will faithfully, and without partiality or affection to any one discharge the duties of trustees of said town during their continuance in office.

May elect a
chairman, his
duties & powers

§ 2. That said trustees shall proceed, after their qualification, to elect one of their number chairman, who shall preside at their meetings, and have power to convene the board, when, in his opinion, the interest of the town demands it. It shall be his duty to see that all the ordinances and by-laws of said town are duly executed and put in force.

To be a body
corporate.

§ 3. The said trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of the board of trustees of the town of Madisonville; and, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places, and do all acts, matters, and things which a body politic or corporate, having perpetual succession, can lawfully and rightfully do.

Powers of
the trustees.

§ 4. The said trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and side walks of said town, or which may hereafter be opened, and may direct the improvement of the same as they shall deem most beneficial to the interests of said town; they shall have power to levy and collect an *ad valorem* tax upon the property of said town, not exceeding fifteen cents upon the one hundred dollars in any one year, and a poll tax on each white male over the age of twenty-one years, not exceeding one dollar; they shall have power to tax shows and exhibitions for money or profit, such sum as they, by their by-laws, may declare; they shall have power to fine all those who may violate their by-laws, any sum not exceeding five dollars; they shall have power to remove all disorderly itinerant free persons of color from within the limits of said town; they shall have power to

declare what are nuisances, and remove the same; they shall have power to inflict a fine of one dollar for a failure of any member to attend a meeting of the board; they shall have power to fill all vacancies; they shall have full power to pass all by-laws and ordinances necessary to carry into effect all the powers herein granted, and executing all the provisions of this charter.

§ 5. That it shall be the duty of the said trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and take from them, and the town marshal, respectively, bonds with approved security, payable to the board of trustees of Madisonville, and their successors in office, in such penalty as said trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the part of either of said officers, suits may be brought and motions made before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations that suits are brought and motions made against other officers for failure of duty.

May appoint officers.

§ 6. There shall also be elected by the qualified voters of said town, on the said first Saturday in April, 1851, an officer to be styled the police-judge of Madisonville; before he enters upon the duties of his office, he shall take an oath before some justice of the peace, to discharge the duties of his office faithfully and impartially, to the best of his ability, without favor and affection, together with such other oaths as are required of public officers. The said police judge shall have jurisdiction, within the limits of said town, of all civil causes of which justices of the peace have jurisdiction. In all criminal cases arising in the said town, said police judge shall have the jurisdiction of a justice of the peace, and jurisdiction of all offenses arising under the ordinances and by-laws of said town; and shall have power to enter judgment, and award execution accordingly. He shall have full power and authority to grant injunctions, and other restraining orders in chancery, and writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations now prescribed by the several acts authorizing certain justices of the county courts to grant injunctions, writs of *ne exeat*, *habeas corpus*, &c. He shall have power to fine and imprison for contempt: *Provided*, that said fine shall not exceed five dollars, nor the imprisonment eight hours; he shall have power to order the marshal to summon a jury in any case cognizable before him, where a jury would be necessary before a justice of the peace. It shall be lawful for said police judge to take depositions, and certify the same, to be read as evidence in any suit pending in this state, in the same manner as a justice of the peace; he shall be authorized to administer all oaths that may be administered by a justice of the peace; and the fees of said

Police judge to be elected.

1851.

judge shall be the same as allowed by law to justices of the peace for like services, and all collected in the same way.

Who to hold
election for
trustees.

§ 7. The clerk of the Hopkins county court and the sheriff of said county shall hold the election at the court house in said town for the election of said trustees, police judge, and town marshal; and if a vacancy should occur in said offices it shall be the duty of said clerk and sheriff forthwith to notify the voters of said town hereof, and to hold an election to fill the vacancy of the unexpired term; and notice, in writing, shall be posted at the court house five days before said election, of the time and place thereof.

May open & en-
large streets.

§ 8. It shall and may be lawful for said trustees to enlarge any of the existing streets and alleys in said town, and, if necessary, of which they shall be the judges, to open new streets and alleys, after first obtaining from the owners of the lots or lands conveyances of the same for such streets and alleys; and if the owner or owners of said lots or lands shall refuse to make the necessary conveyances, then it shall be lawful for said trustees of said town to prefer a petition to the court for the county of Hopkins, praying that the streets proposed to be opened or enlarged in said town may be opened and extended; whereupon, it it shall be the duty of the said county court to order a summons to issue to the proprietor or proprietors of said lots or lands through which the said streets may be proposed to be opened and extended, if they be found within the county, and if not, then to his or her agent, if any they have, to show cause why the said streets shall not be so opened or extended; if upon any of such summons any proprietor or agent shall so desire, the said court shall order their clerk to issue a writ, in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of said county, commanding him to summon and impanel twelve good and discreet freeholders of the vicinage, none of whom shall be citizens of said town, or owners of property therein, to meet upon the ground through which the proposed street or streets may be conducted, and on a certain day to be named by the court, and inserted in said writ, of which notice shall be given by the sheriff to the proprietors, or their agents, as before directed, if they were not present in court at the time of making the order; which freeholders shall be charged by the sheriff, impartially, and to the best of their skill and judgment, to view the land or ground through which the said street or streets may be proposed to be conducted, and say what damage it will be to the proprietor or proprietors who desired such writ, taking into estimation as well the use of the land or pieces of ground to be occupied for said street or streets, as also the damage or injury the opening and extending may be to the property through which they may pass; and if the inquest can-

not be completed in one day, the sheriff shall adjourn the jurors from day to day, until the same be completed; which inquest, signed and sealed by the said jurors, together with the writ, shall be returned to the court, who, thereupon, shall direct said street or streets to be opened and extended as applied for, upon the said trustees paying, or causing to be paid the damages so found, and the cost of said inquest, in open court, to the clerk thereof; which damages and costs the court shall direct to be paid to those respectively entitled thereto; but if the jury shall be of opinion that no damages shall be awarded to the person or persons opposing the opening and extending of said streets, the costs of said inquest shall be adjudged against the person or persons so opposing.

§ 9. The police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, clerk, or other officers of said town, for all sums of money or other thing which may be due from them, or either of them.

§ 10. That from all judgments rendered by said police judge, either party may appeal to the circuit or county court, under the same rules and regulations authorizing appeals from judgments of justices of the peace to circuit or county courts.

Appeals.

§ 11. That it shall be the duty of the marshal to serve all process and precepts to him directed from the said police judge, and make due return thereof; collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands; and for a failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against sheriffs or constables in similar cases. The said marshal shall have the same power, and be entitled to the same fees for collecting the town tax that sheriffs have for collecting the county levy and revenue tax, and in all other cases the same fees allowed constables for similar services: *Provided*, said judge shall have power and authority to direct his process to be executed by any constable or the sheriff of Hopkins county. Said marshal shall be invested with all power and authority which is given constables, in all cases cognizable before said police judge, and within the limits of said town; he shall have power, if need be, to summon the aid of the town in executing any process to him directed; and any person or persons failing to aid said marshal, when so summoned, may be fined or imprisoned by said police judge, the fine not to exceed five dollars nor the imprisonment eight hours.

Powers & duties of marshal.

1851.

§ 12. That all the fines and forfeitures for a violation of said ordinances or by-laws of said town, in all cases before said police judge, shall be collected and paid to the treasurer of said board of trustees, for the use and benefit of said town; and all moneys collected by a judgment of a justice of the peace, for violation of any of the ordinances or by-laws of said town, committed within the limits of said town, shall in like manner be paid over to the said treasurer.

§ 13. That no money shall be drawn from the treasury, except by order of the chairman, in pursuance of allowances made by said board of trustees.

Town assessor
to be appointed.

§ 14. That the trustees shall annually appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, her, or their whole estate within said town, subject to taxation under the laws of this commonwealth, which lists shall be taken in the same manner that revenue lists are now, or may hereafter be taken.

§ 15. That it shall be the duty of the clerk of the board of trustees to make out and deliver to the collector a fair copy of the assessor's books, with the amount of tax to be paid by each individual, and take his receipt therefor, and the trustees shall, by their warrant, authorize and direct the collector to collect the same; and shall make the said clerk and assessor such compensation as they may deem proper.

§ 16. That the trustees shall have power to repair and keep in order the public well and spring of said town, at the common expense.

§ 17. The trustees shall cause all by-laws and ordinances passed by them, from time to time, to be recorded in the journal of their proceedings, and post up a copy of the same at the door of the court house of said town.

§ 18. The said trustees shall have full power and authority to open any street or alley which may be, or shall hereafter be closed, if, in the opinion of said trustees, the opening of said alley or street, so closed, will add to the benefit and convenience of the citizens of said town.

§ 19. That for any tax to be levied under this law upon the real property in said town, there shall exist a lien on the same, in favor of the trustees, for said tax, until the same be paid.

§ 20. That in all meetings of the trustees, three shall constitute a quorum to do business.

§ 21. That, hereafter, no person shall hold the office of trustee in said town, unless he shall have resided therein twelve months.

§ 22. That it shall be the duty of the treasurer and clerk to keep a record of the proceedings which properly

belong to their respective offices; and it shall be the duty of the treasurer to render an account to the trustees of all money received and paid out by him, whenever by them required so to do.

1851.

Approved March 20, 1851.

CHAPTER 487.

AN ACT to give to the Carroll and Gallatin county courts, control of the state roads in said counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Gallatin and Carroll counties shall hereafter have full jurisdiction and power over any and all state roads running through said counties, to alter or change said road or roads, under such regulations and restrictions as govern and control said courts in altering and amending other public roads through said counties.

Approved March 20, 1851.

CHAPTER 488.

AN ACT to incorporate the Georgetown and Louisville Branch Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James F. Robinson, John T. Pratt, John F. Payne, P. L. Mitchell, Charles Nickolls, Henry R. French, B. C. Glass, J. E. Farnam, and James F. Beatty be and they are hereby appointed commissioners, under the direction of any three or more of whom subscriptions may be received to the capital stock of the Georgetown and Louisville branch railroad company, hereby incorporated; and they, or any three of them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, from all persons, companies, and corporations who will subscribe thereto, in conformity with the provisions of this act, after giving due notice of the time and places of opening said books, which may be kept open as long as deemed proper.

Commissioners

§ 2. The capital stock of said company shall be seventy thousand dollars, to be increased, if necessary to complete or finish the road, with lands, depots, sites, machinery, cars, or other necessary appendages or equipments to make or carry on the business of said company, said stock to be divided into shares of one hundred dollars each, and shall be considered personal property.

Capital stock.

§ 3. As soon as ten thousand dollars shall have been subscribed to said capital stock, the said commissioners shall advertise an election for a president and five directors to

When company may be organized and directors elected.

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manage the affairs of said company, at which election two of said commissioners shall attend and conduct the same; and each stockholder shall, at such election, have one vote for each share of stock he or she may hold, and may vote by proxy; and the persons having the highest number of votes shall be declared elected, notified thereof, and shall take an oath before some justice of the peace, faithfully to discharge the several duties of their respective stations. The president and directors shall hold their offices for one year, and until others are elected and qualified; and shall have power to fill all vacancies in their board, to appoint a treasurer, secretary, and other agents, engineers, servants, or laborers necessary to carry out and effect the objects of this act.

Powers and
privileges.

§ 4. That the president and directors shall, in order to enable them to locate, construct, finish, and furnish said road, and manage the same after its completion, have, and they and their successors are hereby invested with all the powers, rights, and privileges granted to the Maysville and Lexington railroad company, in the act incorporating the same, approved March 4, 1850; and they shall, in all things pertaining to the survey, location, ascertaining the damages for lands, or materials used, releases of right of way, the declaring of dividends, the payment of stock, and all other general provisions of said act, be regulated and governed by the same.

Corporate
powers.

§ 5. That all persons who shall become stockholders in the company hereby authorized, shall be a body corporate and politic, with perpetual succession, and with all powers incident to such a corporation, in law, with power to sue and be sued, contract and be contracted with, to have and use a corporate seal, by the name aforesaid, for the purpose of constructing a railroad, with all such appendages, fixtures, buildings, and machinery as may be deemed necessary for the use of the same, commencing at the town of Georgetown, thence to intersect the Lexington and Louisville railroad at such point as may be deemed most practicable, by the most practicable route.

Charges for
transportation.

§ 6. That said company may demand and receive, for transportation of goods, produce, or property of any kind whatever, by them along said railway, any sum not exceeding the following rates: on all goods, merchandise, or property of any description transported by them, a sum not exceeding ten cents per mile for transportation, and for the transportation of passengers, not exceeding eight cents per mile for each passenger.

Georgetown
may subscribe.

§ 7. That the chairman and board of trustees of the town of Georgetown be and they are hereby permitted to subscribe and hold stock in the corporation created by this act, upon the same terms and conditions, and subject to the same restrictions as other stockholders: *Provided*, the

amount so by them subscribed shall not exceed the sum of fifteen thousand dollars; and for the purpose of paying the stock to be by them subscribed under this act, said chairman and board of trustees are hereby authorized to levy and collect a tax on the property in said town, subject to taxation under existing laws relating to the revenues of said town, according to the assessed value thereof, not exceeding one per centum per annum, to be collected in the same manner as other taxes of said town are by law directed to be collected, and to be set apart and applied to the payment of said stock, and to no other purpose.

Approved March 20, 1851.

1851.

CHAPTER 489.

AN ACT to incorporate the Stanford and Hustonville Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby created, under the name and style of the Stanford and Hustonville turnpike road company, for the purpose of making an artificial road from Stanford to Hustonville, in Lincoln county.

Name and style.

§ 2. That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each; and if it shall be found that said capital stock is not sufficient to complete said road, (including bridges,) then the president and directors may increase the same, and open books for its subscription.

Capital stock.

§ 3. That books for the subscription of said stock shall be opened the second Monday in May, 1851, at Stanford, under the direction of Wesley Rout, Hugh Hays, Thomas Helm, Thomas B. Montgomery, and William Hill; at Turnersville, under the direction of John L. Barley, L. D. Good, Tilman Hocker, Nicholas Hocker, and Alfred Alcorn; at Hustonville, under the direction of Samuel Givens, Joseph Cooper, Ellis Brown, John M. Lewis, M. C. Portman, W. E. Dailey, G. W. Welsh, and George W. Weatherford. Any two of said commissioners shall be competent to receive subscriptions for stock in said road. The subscribers of stock shall sign, in a book provided by the aforesaid commissioners, an obligation, as follows: "We, whose names are hereunto affixed, do severally promise to pay to the president and directors of the Stanford and Hustonville turnpike road company the sum of fifty dollars for each share annexed to our respective names, as witness our hands this day of , 18 ." The said commissioners shall give notice of the time and place of opening books of subscription, by advertising the same in the Danville Tribune at least two weeks before the time, and may continue them open until the capital stock shall be taken: *Provided*, that if, from any cause, the said books

Books to be opened for the subscription of stock.

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should not be opened on the day fixed above, or the stock should not be fully taken, then the said commissioners may open the same at any time they may fix within two years from the passage of this act, and proceed as is directed in this act.

How election
to be held.

§ 4. That whenever the sum of ten thousand dollars shall have been taken, it shall be the duty of said commissioners to advertise the same by printed notices stuck up in Stanford, Turnersville, and Hustonville, and calling the stockholders together at such point and time as they may designate in said notice, and who, when called together, shall proceed to elect from their number a president, treasurer, secretary, and six directors of the said road; each of whom shall, before entering upon the duties of his office, take an oath before some justice of the peace, to honestly, justly, and faithfully perform their respective duties; a certificate of which shall be recorded by the secretary in the books of the company. The treasurer shall execute bond, with good security, in such penalty and conditions as the president and directors may prescribe, payable to the president, directors and company of the Stanford and Hustonville turnpike road, which bond shall be preserved by the secretary. The said officers shall hold their offices for the term of one year, and until their successors are elected and qualified: *Provided*, no one shall hold either of said offices unless he is a shareholder in said road; and that, in the election of said officers, each shareholder shall have one vote for each share he holds. That the said president, directors and company shall be a body corporate, under the name and style of the president, directors and company of the Stanford and Hustonville turnpike road company; shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity having jurisdiction of the subject matter, and do and perform all things that like corporate bodies can do.

When road may
be let out.

§ 5. That it shall be the duty of the said president and directors to let five or more miles of said road out, whenever eight thousand dollars of the capital stock shall be taken, and the remainder when they may think a sufficient amount of stock has been taken to complete the road. That they may let out any portion of the said road to be made either of stone, gravel, or plank, as they may deem proper. That they may let out any portion of said road to be paid for in the stock of the company: *Provided*, it does not exceed the engineer's estimate.

* Lincoln county
may, subscribe.

§ 6. That the Lincoln county court, a majority of the justices concurring therein, may take stock in said road, and, to pay for the same, may levy such a tax on each one hundred dollars worth of property in said county subject to state tax, as will be sufficient for that purpose.

§ 7. That the provisions, from the fifth to the thirty-fifth section, inclusive, of the Danville and Hustonville turnpike charter, approved March 1, 1844, be and the same are hereby made part of this charter, so far as it does not conflict with this.

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Approved March 20, 1851.

CHAPTER 491.

AN ACT to establish a police judge in the town of Carrollton.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the citizens of the town of Carrollton, in Carroll county, shall and they are hereby authorized to elect a police judge in said town, on the first Saturday in May, 1851, and on the same day of every fourth year thereafter, all the qualified voters in said town being entitled to vote at said election; which judge, before he enters upon the duties of his office, shall take an oath before some justice of the peace to discharge the duties of said office faithfully and impartially, to the best of his ability, without favor or affection to any one, together with such oaths as public officers are usually required to take. Said judge shall have jurisdiction within said town of Carrollton, of all misdemeanors, and of all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction; and that in criminal or penal cases he shall have the jurisdiction given by law to two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in such cases; he shall have full authority to require bail, and receive the acknowledgment and execution of recognizances of bail, in all cases originating before him, in which bail is or may hereafter be authorized or required by law; and such recognizance shall be taken in such form, and be returned in such manner as is or hereafter may be prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults, and batteries, riots, routs, breaches of the peace, and unlawful assemblies; all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; of all cases of drunkenness, profane swearing, running horses, firing guns, pistols, making reports by burning powder or crackers, throwing or burning fire balls, blowing horns, ringing bells, crying aloud by day or by night, and all other riotous conduct whatever, within said town; all of which are hereby declared to be misdemeanors. He shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the powers granted to them by law. He shall have power to order the marshal to summon a jury in any case cog-

Police judge
to be elected.

Jurisdiction.

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nizable before him, when a jury would be required before the circuit court or a justice of the peace; and in all cases where the amount of fine is over sixteen dollars, sixty-six and two-thirds cents, and is not fixed by law, the sum shall be ascertained by the verdict of a jury. He shall have power to issue summons for witnesses in cases pending before him, and, upon their failure to attend, may award compulsory process to compel their attendance; he shall have power, without the intervention of a jury, to fine or imprison for contempts: *Provided*, the fine does not exceed ten dollars, or imprisonment twelve hours. It shall be lawful for him to take depositions, and certify the same, when they are to be read as evidence in any cause pending in any court in this commonwealth. He shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain justices of the county court to grant injunctions, writs of *ne exeat*, and *habeas corpus*. He shall have full power to administer oaths in all cases wherein justices of the peace are authorized and required so to do. He shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice, and have the same effect as the record of a justice of the peace; and shall, in all other matters not herein mentioned, have concurrent jurisdiction with justices of the peace, and be governed by the same laws and regulations. All trials before the police judge shall be held and had in the town of Carrolton.

How process
to issue.

§ 2. The police judge shall issue process in the name of the commonwealth, as other warrants, except otherwise provided for in this act, and make them returnable before himself, as police judge of Carrolton; the same shall be directed to the marshal, or any constable or sheriff of Carrol county, and shall be executed and returned by the marshal, constable, or sheriff, as the case may be, under the same penalties as other process from justices of the peace; *Provided, however*, that when any prosecution is instituted and carried on at the instance of the board of trustees, the warrant shall state that it is issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said trustees shall be liable for costs as may be adjudged in favor of the defendant or defendants. The police judge shall be entitled to a fee of one dollar for a peace warrant, or a warrant for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or any misdemeanor, or for a breach of any of the laws in relation to the town of Carrolton; or any by-laws or ordinances of the board of trustees; he shall be allowed fifty cents for all injunctions, restraining orders against absent defendants,

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writs of *ne exeat* or *habeas corpus* respectively; he shall be entitled to a fee of twenty-five cents for all orders of sale; twelve and a half cents for a subpoena, and fifteen cents for a certificate; and in all other cases his fees shall be the same as those of a justice of the peace for like services: *Provided, however*, that nothing herein contained shall authorize said police judge to have concurrent jurisdiction, in common law cases, with justices of the peace, except in cases of emergency, when a justice or justices of the peace cannot be had without endangering the applicant; then, and in that case, the police judge shall have full power as heretofore granted in the first and second sections of this act.

§ 3. That any justice of the peace in the town of Carrolton, or district in which the town is situated, holding his or their office in said district, shall be and are hereby authorized to discharge any of the duties required to be discharged by the police judge of Carrolton, in the absence or inability of the police judge to attend to the same; and said justice or justices shall, in said cases, be authorized and allowed to charge the same fees for such services as are allowed the police judge of said town.

A justice may exercise the duties when judge is absent.

§ 4. The marshal shall be elected by the qualified voters of Carrolton, at the same time and place the police judge is elected, under the same rules and regulations, and shall hold his office the same length of time that the police judge is authorized to hold office under this act; before he enters upon the duties of his office, he shall take an oath faithfully to discharge his duties as marshal, and shall give bond with approved security, in a sum not exceeding two thousand dollars, conditioned faithfully to discharge the duties of his office, and may contain any condition that the board of trustees for said town may think proper or right to require; he shall have full power, within the county of Carroll, to serve all process and precepts to him directed by the police judge, and make due return thereof. He shall have full power, within the county of Carroll, to collect taxes, dues, and demands of said town, in the same manner that sheriffs have to collect county and state revenue; to levy and perfect executions upon all orders and judgments of the police judge, serve and execute all orders and notices issued by the board of trustees, and make due return of the same. He shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties, and forfeitures, as sheriffs and constables are in like cases, where it is not otherwise provided for in this act, or order of the board. He shall be entitled to a fee of one dollar for serving a peace warrant, a warrant for riot, rout, affray, or breach of the peace, and for all warrants where fines are to be assessed by a jury before the police judge; and one dollar and fifty cents for summoning a jury, which may be

Town marshals to be elected.

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impaneled before the police judge; and to a fee of twenty five cents for all other penalties, and forfeitures, and debts, to be tried before the police judge, without a jury; to a fee of twelve and a half cents for summoning a witness, and to the same fees from the state, to be paid out of the treasury and county levy, for serving felony warrants and warrants against slaves for misdemeanors, as constables are for like services. He shall collect all executions and final process placed in his hands for collection, in the same manner constables are required by law to do; he shall be subject to the same proceedings, and liable to the same penalties that sheriffs and constables are in like cases, for the non-performance of any of the duties enjoined in this act.

§ 5. That the general assembly reserves to itself the power, at all times, to repeal this act.

§ 6. That whenever a vacancy shall occur in said office of police judge, by death or otherwise, the citizens of said town shall elect another judge for the residue of said term; the time and place of said election to be fixed by said trustees, and advertised ten days previously thereto.

Approved March 20, 1851.

CHAPTER 492.

AN ACT to incorporate the town of New Castle.

Former acts
amended.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the different acts and existing laws in relation to the town of New Castle be and the same are hereby so amended as that the said town of New Castle, in the county of Henry, as laid off and described in a plat, and the additions thereto; now of record in the clerk's office of the Henry county court, is hereby declared to be the extent and limits of said town; and that, hereafter, the fiscal and municipal concerns of said town be and they are hereby vested in seven trustees, who shall be elected annually on the first Saturday in May of each year, by the free white male inhabitants over twenty-one years of age, who may have resided in said town for twelve months next preceding the election; which seven trustees shall hold their office for one year, and until their successors are elected and qualified; and that, in case a vacancy shall take place in said board of trustees, the remaining members thereof shall have power to fill said vacancy by appointment: *Provided,* that no person shall be eligible to the said office of trustee, who is not at the time, and has not been for twelve months a citizen of said town, and who may not be a *bona fide* owner of real estate situated in said town.

Corporate
powers.

§ 2. That said trustees, and their successors in office, shall be a body corporate and politic, with full power to

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contract and be contracted with, sue and be sued in all courts of justice, and to do all other acts and things which a body politic and corporate may of right do, in the name and style of the board of trustees of New Castle; by which name they shall be known and designated.

§ 3. That said board of trustees, and their successors, shall have power to take, receive, and hold any real, mixed, and personal estate, by purchase, devise, bequest, or donation, for the use, benefit, or ornament of said town; and may use, sell, or appropriate any estate so taken or received, or which is now held by, or may have been conveyed to the present board of trustees of the said town of New Castle, in such manner, or upon such terms as they may deem expedient: *Provided*, that no sale or lease of real estate shall be made except the same be sanctioned by the unanimous vote of said trustees.

Powers of
trustees.

§ 4. That said board of trustees of New Castle may, at any meeting thereof at which they levy the tax of said town, levy, in addition thereto, for the same year, and collect a tax on the real estate in said town, not exceeding twenty-five cents on the hundred dollars' worth of property, for the purpose, and to be appropriated to the grading and McAdamizing the streets and alleys of said town, and the public roads intersecting the same, to the distance of not exceeding half a mile beyond the corporate limits of said town.

May levy tax
to improve the
streets, &c.

§ 5. The qualified voters of said town of New Castle shall elect, annually, at the same time and place appointed for the election of trustees thereof, a police judge, clerk, assessor, treasurer, market-master, surveyor, and such other officers for said town as may be necessary to carry into effect and execution such laws, by-laws, and ordinances as may be established or adopted by the said board of trustees for the regulation and well-being of said town, and which may not be contrary to the constitution and laws of this commonwealth; and the said board of trustees shall affix the respective duties and salaries or perquisites of said officers, not herein provided, and shall stipulate the amount and character of bond they shall severally execute before entering upon the duties of their respective offices, and sit and determine upon the validity of the sureties offered; which bonds shall be executed to the said board of trustees of New Castle, and shall operate as a lien upon the property of the parties executing for the payment of any loss or damage sustained by non-compliance with its conditions; and in case of failure, delinquency, or defalcation of any officer of said town, under such bonds, the said board of trustees may institute suit thereon, and recover just and equitable damages for such failure, delinquency, or defalcation, before any court of this commonwealth having jurisdiction thereof.

Officers to be
elected.

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Jurisdiction of
police judge.

§ 6. The police judge shall have jurisdiction, within said town, of all civil cases in which a justice of the peace has, or may hereafter, by law, have jurisdiction, and concurrent with the same; he shall also have power to grant injunctions, restraining orders, writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations prescribed by law authorizing certain justices of the county court to grant injunctions, &c.; and in criminal cases his power and jurisdiction as an examining court shall be equal to that of two justices of the peace. He shall also have jurisdiction in all cases of misdemeanor within said town, and of all causes arising out of offenses against the by-laws and ordinances of said town; and, in all cases requiring it, shall order the marshal to summon juries, subpoena witnesses, and do all other acts and things which other courts in this commonwealth may of right do, and which may be proper and necessary to carry into full and complete effect the powers and jurisdiction above granted. The police judge shall also be a conservator of the peace, and shall have power to take recognizances to keep the peace, and of criminals to appear before the circuit court of Henry county at its next succeeding term; and, in order to the careful preservation of the peace and dignity of the said town of New Castle, he shall have power to suppress indecent annoyances, and violations of the good order of said town, in such small offenses as night orgies in the streets, running of horses, throwing of stones, firing of guns, ringing of bells, blowing of horns, crying aloud by day or by night, blocking up streets, removing of signs, and such other and similar offenses as may disturb the order and quietude of the good citizens of said town, by arraignment of said offenders before him, the said judge presiding, and, upon conviction thereof, may order the infliction of such summary penalty as to him, the said police judge, shall seem deserving, without the intervention of a jury: *Provided*, the same shall not exceed the sum of ten dollars in fine, nor five days' imprisonment in the county jail.

How process
to be served.

§ 7. All process from the police judge shall be directed to the marshal of the town of New Castle, who shall be the regular executive officer of said police court; but in case said marshal shall be absent, or, from interest with the parties, or other cause, cannot serve officially, then the process may issue to the sheriff or any constable of Henry county. Process on account of penal offenses against the laws of this commonwealth shall issue in the name and on behalf of the commonwealth of Kentucky, as other writs; and process on account of offenses against the by-laws or ordinances of said town, in the name and on behalf of the trustees of New Castle; and any officer who shall fail or refuse to execute a process of the class last named, without sufficient reason therefor, shall forfeit and

be liable for the amount of the penalty annexed to the offense with which the person stood charged against whom such process issued.

§ 8. The police judge shall be entitled to charge and receive one dollar for a peace warrant, a writ of *ne exeat*, of *habeas corpus*, a warrant for any violation of the by-laws and ordinances, or a writ for any misdemeanor; and in all other cases he shall have such costs as are now allowed a justice of the peace for similar services.

§ 9. The clerk shall attend the meetings of the board of trustees, and keep a fair record of their proceedings; he shall also notify all the members of the board of trustees of any meeting called by the president thereof; and for recording each meeting's proceedings, he shall be entitled to a fee of one dollar, and for each notification above he shall receive one dollar; and in the absence or disability of said clerk, the board of trustees may appoint a clerk *pro tem.*, who shall receive, for any services he may render, the same compensation provided for the regular clerk.

§ 10. The assessor shall call upon all the taxable persons of said town, and make out a true list of their taxable property, with the value thereof; which list shall be made on the judgment of the assessor, subject to any correction thereafter by the board of trustees. The assessor's list shall include all real estate in said town, all free males over twenty-one years of age, all slaves over sixteen years old, and the value of slaves, and the value of all and every species of property and effects within the corporation limits now subject to taxation, and belonging to each and every individual who may own or hold any part or parcel thereof. He shall, on or before the first Saturday in July after his appointment, return his said list to the board of trustees, and shall be entitled to receive, for his services, any compensation allowed him by said board, not exceeding a commission of two and a half per cent. upon the amount of tax collectable for said town upon the property so assessed.

§ 11. The treasurer shall receive and receipt for all moneys coming into his hands, and pay the same out upon the order of the board of trustees. He shall also collect all taxes levied by said board; and the assessor's list, after the same shall have been three months in the hands of the treasurer, shall be *prima facie* evidence against the said treasurer of the whole fund being in his hands, and of the amount said funds should be, unless he show to the satisfaction of said board, that he has not and could not, with proper diligence, collect part or all said taxes levied; in which case the board may grant further time, or credit him with such as to them may seem impossible to collect. The treasurer shall receive a commission of five per cent. on all taxes so collected by him.

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Fees of judge.

Duties of town clerk.

Duties of assessor.

Duties of treasurer.

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Duties of marshal.

§ 12. The marshal shall perform the same duties to the police court, and receive the same pay that the sheriff is required to perform toward the circuit court, and permitted to receive for similar services.

Duties of market master.

§ 13. The market master shall be the general supervisor of the markets and market house, under such rules and regulations, and with such compensation as may be ordered and assigned him by the board of trustees.

Duties of surveyor.

§ 14. The surveyor shall have the same duties, and, for his services, receive the same fees, to the extent of the corporation limits of said town, as are imposed on and assigned the county surveyor for the county of Henry.

Meetings of the trustees.

§ 15. The board of trustees shall hold regular meetings on the first Saturdays in January, May, and September; they shall, at their first meeting, elect one of their number president of the board, whose duty it shall be to preside over their deliberations, and, whenever he thinks necessary, summon them together in extraordinary meeting, for the transaction of any business concerning the interests of said town.

May levy taxes.

§ 16. The board of trustees shall have further power to levy a capitation tax, for the use of said town, on all the residents therein, of any sum not exceeding one dollar on each white male over twenty-one years, and fifty cents on each negro tithe over sixteen years of age; they shall also have power to levy a corporation tax on any tavern, hotel, coffee-house, or place of retailing spirituous liquors within their corporate limits, of any sum not exceeding twenty-five dollars; which town tax such establishment shall be required to pay, and take the receipt of the town clerk therefor, before any such tavern, hotel, coffee-house, &c., shall be deemed licensed to retail spirituous liquors; and any person proceeding to sell or vend spirituous liquors at retail, without first having paid such corporation tax, may be arraigned, on information, before the police judge, a jury impaneled, and, upon conviction thereof, may be fined, and shall forfeit and pay to the use of the said town a sum of not less than twenty-five nor more than fifty dollars for every such offense. The board of trustees shall also have power to levy a corporation tax upon any ten pin alley erected or kept within said town, or, for failure to pay such tax before erecting or opening such alley, the proprietor or keeper thereof shall be subject to like fine, under a similar proceeding to that provided for the vender of spirituous liquors by retail.

How taxes, &c. to be collected.

§ 18. That all fines and forfeitures, and all the taxes herein affixed and provided for, shall vest in the board of trustees of New Castle, and be collectable by the marshal, by levy or distress, in their name; and the same shall be appropriated exclusively to the use and benefit of said town, in such manner as the board of trustees may direct,

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except that no portion thereof shall be paid for making or improving the sidewalks on the streets of said town; but the board of trustees shall have power, by ordinance, to compel the owners of property to make and repair a decent sidewalk adjoining their said lot on any street of said town; and upon failure or refusal of any person owning or holding a lot in said town, to comply with such ordinance, the board of trustees may order him to be summoned before the police judge; and if he fail to appear, or, upon such appearance, give no sufficient reason for such failure or refusal, the police judge shall have power, and it shall be his duty to decree the letting of said improvement, by the marshal, to the lowest bidder, and, unless the owner or holder of such adjacent lot pay and discharge the cost thereof, that the said marshal shall proceed to sell, at public outcry, first giving ten days' public notice after the completion of such sidewalk improvement, so much of the said lot adjacent as will pay the contract for such improvement, and the costs and expenses attached to the proceedings thereon.

§ 19. Any sale of a lot, or part of a lot, made in pursuance of the next preceding section of this act, shall be liable to redemption within one year thereafter, by the owner or holder paying the full amount of such sale, with interest thereon at the rate of ten per cent. per annum; and if not so redeemed within one year, the sale shall be lawful and valid, and the title of the purchaser thereof be undisputable: *Provided*, that an offer of payment, in money, to the town marshal or treasurer, within the year above specified, shall be termed a tender to redeem.

Lots sold may
be redeemed.

§ 20. All appeals or writs of error from the police court shall be had directly to the circuit court of Henry county, under the same rules and regulations as now had from justices of the peace.

Appeals.

§ 21. All elections, clauses, or provisions in any former charter or charters of the town of New Castle, or in other acts or statutes of this commonwealth, contrary to the provisions herein enacted, shall be and the same are hereby repealed; and this act shall go into full and entire effect from and after the first Saturday in May next.

Approved March 20, 1851.

CHAPTER 494.

AN ACT to amend the charter of the Lexington Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Lexington fire, life, and marine insurance company, by their president and directors, for the time being, shall have power to establish agencies in the state of Missouri, or in any of the states and territories of

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the United States, for doing such business as said company is authorized to do by their charter; and appoint officers and agents to conduct the business of such agencies, and to allow them such compensation as may be agreed upon; and that the acts of such agents as may be appointed, or have heretofore been appointed, shall be as obligatory on said company as those in the agencies established in this commonwealth.

Approved March 20, 1851.

CHAPTER 495.

AN ACT to authorize the Montgomery County Court to levy a tax for re-building the Court House of said County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Montgomery county court be authorized to levy a capitation or *ad valorem* tax, or, if preferred, both together, on all persons or property in said county subject to taxation for state or county purposes under existing laws, not to exceed, in any one year, more than fifteen cents on the one hundred dollars, or more than one dollar and fifty cents on the head, for the purpose of re-building the court house of said county: *Provided*, there shall not be raised by taxation, for said purpose, exceeding the sum of fifteen thousand dollars.

§ 2. The sheriff of said county may collect said tax, under the same rules, regulations, and penalties as now prescribed by law, and pay it over as the county levy is now paid. For his services he shall receive three per cent. on all moneys collected. And if the sheriff refuses to collect said tax, the said court shall have authority to employ some other person to perform that service, who, before entering upon his duties, shall execute bond in such penalty as the court may direct, and take an oath before some justice of the peace, faithfully to discharge the duties of his office; and he shall be governed by the laws now in force in relation to the collection of the revenue.

§ 3. Said court are empowered to let out the re-building of said house to such persons, and on such terms as they, in their discretion, may think best; and they are hereby invested with all the corporate powers to carry out the spirit and intention of this act.

Approved March 20, 1851.

CHAPTER 496.

AN ACT to incorporate the Springdale and Trillsburg Turnpike Road Company, in Mason and Lewis counties.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed, un-

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der the name and style of the Springdale and Tollsburg turnpike road company, for the purpose of making a plank road from Springdale, near the mouth of Cabin creek, in the county of Mason, by or near Marshall's cross roads, to Tollsburg, in the county of Lewis.

§ 2. That the capital stock of said company shall be five thousand dollars, divided into shares of fifty dollars each ; and if it shall be ascertained that the amount of capital stock is not sufficient to complete the road, then the president and directors may enlarge it to such amount as deemed necessary, and open subscriptions therefor, in such manner as they may think proper.

§ 3. So soon as three thousand dollars shall be subscribed, the commissioners shall be governed by the provisions of the third, fourth, fifth, and sixth sections of an act, entitled, an act to incorporate the Springfield, Maxville, and Perryville turnpike road company, approved February 26, 1849, except so far as already provided for in this act.

§ 4. That Hezekiah Jenkins and Thomas Glasscock, of Mason county, and Mark Willingford and Thomas Marshall, of Lewis county, are hereby appointed commissioners to perform the duties required by this act.

Approved March 26, 1851.

CHAPTER 498.

AN ACT authorizing an alley to be closed in the town of Portland.

Whereas, it is represented by the citizens and property holders in the town of Portland, that the Cedar Grove female academy is located on square No. 94, embracing the whole of said square ; and according to the original recorded maps, or plan of said town, it is shown that an alley extends east and west through said square ; and that the opening of said alley would be a serious injury to the said institution ; and whereas, the citizens and property holders, as aforesaid, believe that it is inexpedient, so long as the premises are occupied as a female academy, to open said alley. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the proprietor or proprietors of the Cedar Grove female academy, to occupy and keep closed the alley extending east and west through square No. 94, on which said institution is situated, in the town of Portland, so long as the same shall be used or occupied for the purpose above stated, and no longer.

Approved March 20, 1851.

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CHAPTER 499.

AN ACT for the benefit of School District, No. 16, Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the school commissioners of Kenton county be authorized to pay over to the trustees of school district No. 16, of said county, any money in their hands which was drawn from the treasury for said district.

Approved March 20, 1851.

CHAPTER 500.

AN ACT granting to the Marshal of Owenton, Owen county, the power and authority of a Constable.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the same power and authority is hereby conferred on the marshal of Owenton, in Owen county, as is now exercised by, and conferred upon constables, under the constitution and existing laws, for the said county: *Provided, however,* that before the marshal shall exercise the power and authority hereby conferred, he shall take the oaths prescribed by the constitution, to be taken by a constable, before a justice of the peace for the said county, and execute, before the trustees of said town, bond with good security, to be approved of by them, in the penalty now prescribed for, and with the conditions annexed to constables' bonds.

§ 2. That for a breach of said bond, suit may be instituted on a copy thereof, to be made out by said clerk, by any one aggrieved; and for copying it, the clerk shall be entitled to receive the fee now allowed by law to clerks for copying constables' bonds; and it shall be the duty of the said clerk carefully to file and preserve the original.

Approved March 20, 1851.

CHAPTER 501.

AN ACT to amend an act, entitled, an act for the benefit of William Smith, of Laurel county, approved May 7th, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Word, Jarvis Jackson, and Abraham Hunter, be and they are hereby appointed commissioners to make the settlement as provided in said act, with the same powers as the commissioners named in the act to which this is an amendment,

Approved March 20, 1851.

CHAPTER 502.

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AN ACT to repeal the fifth section of an act, entitled, an act to amend the charter of the City of Louisville, approved March 5, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fifth section of the act, entitled, "an act to amend the charter of the city of Louisville," approved March 5, 1850, be and it is hereby repealed.

Approved March 20, 1851.

CHAPTER 503.

AN ACT to define the original corners of the town of Boston, in Whitley County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Levi Monroe and Jacob Harman be and they are hereby created commissioners to ascertain where the original corners of the town of Boston are, in the county of Whitley, and are authorized by this act to put up stones at each corner of said town, where such corners have been misplaced or destroyed.

§ 2. That it shall be the duty of said commissioners to make out a plat of said town, and file the same in the clerk's office of the county court of Whitley for safe-keeping; and the aforesaid commissioners shall be allowed one dollar per day for their services, to be paid by those who own lots or a lot in said town.

Approved March 20, 1851.

CHAPTER 504.

AN ACT providing a mode of forfeiture of the charter of the Logan, Todd, and Christian Turnpike Road Company, and the transfer of the interest of the State therein.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That any person interested as owner of stock, creditor, or otherwise, in the Logan, Todd, and Christian turnpike road, may, by bill in chancery, or other proceeding in the nature of *scire facias*, in the name of said commonwealth, institute suit in the circuit court of Christian county, against said road company, against any violation of the corporate rights or duties of said company, heretofore, now, or hereafter committed by them or their agents; and, upon such bill filed, or *scire facias* issued, and in due time and manner executed on the president, or upon the individual who was last acting president, or any two persons who last acted as directors of said company, the said court shall have power to hear proof, taken according to chancery proceedings, touching any matter or thing charged in said bill or *scire facias*, and the plea or defense thereto;

Any owner of stock may file a bill in chancery for violation of corporate rights.

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and, on final hearing, may order or decree a forfeiture and cancelment of all rights, powers, and privileges vested in said road company, in virtue of their original act of incorporation, or any amendment thereto; and, if either party to said proceeding may demand it, said court shall cause a jury to be selected, in order to try any matter or thing charged against said company as cause of forfeiture of said charter, which trial by jury shall be had and conducted as other issues are tried in chancery; such finding of the jury shall be final as to the truth of the matter submitted—subject, however, to a new trial in the discretion of the court—an appeal or writ of error to the court of appeals, as provided in similar cases. After final decree or verdict against said company, as aforesaid, all rights, benefits, and powers, heretofore granted to said company, shall cease and be of no effect; but no action, order, or decree, or finding of said jury, shall, in any wise, impair or affect the rights of said commonwealth in said road company, or the road, or right-of-way, or any part thereof, as now claimed or held by said company.

A new company may be formed.

§ 2. That in the event any forfeiture of the charter of said company should be decreed, declared, or ordered, as aforesaid, and any company or association of persons should organize themselves—under the general law, entitled, “an act to authorize the construction of plank, stone, and gravel turnpike roads in this commonwealth, approved March 7th, 1850,”—to build or construct a plank, gravel, or rock road over the ground, or any part thereof, now graded and used by said company, passing through the counties of Logan, Todd, Christian, and Caldwell, or either or part of either of them, and in that event such company or association of persons may, in writing, make known to the governor of said commonwealth the fact of their organization; and the governor shall, when satisfied of the legal existence of said association, in due form of law grant to them all rights-of-way, use, power, and control of said road, through the counties aforesaid, or either of them, upon such conditions and terms as may be deemed by him best adapted to the interest of said commonwealth, the good citizens adjacent to said road, and likewise the interest and advantage of such new company or association formed as aforesaid; and after the grant thus made, all right and power over said road, or any part thereof, thus intended to be used, shall vest in said new company, according to the provisions of the act recited as aforesaid, under which the same was created: *Provided, however*, that nothing in this section shall be so construed as to empower the governor to exact a moneyed condition or consideration from any such new company or association, or in anywise exact for the grant of the state’s interest in said turnpike

road, any thing unjust or unreasonable in its future completion through either of said counties.

§ 3. That all or any one of the present *bona fide* owners of stock in the turnpike road company, thus to be forfeited, shall have the exclusive right, for the space or term of ninety days from the date of the decree of forfeiture, or the term of thirty days from the time the books of any new company or association, as aforesaid, shall be publicly opened, to take or subscribe for stock in said new company to the amount of stock now held by them, or either of them, in said old company, and in order to secure this exclusive right to the old individual stockholders, it is hereby made the duty of the president or two of the directors of the old company, to cause to be published in the newspapers published in the towns of Russellville, Hopkinsville, and Princeton, the decree of forfeiture of their charter, and likewise a request that each of said stockholders meet at some designated place on the present line of said road, in order to form a new association or company, under the general law recited as aforesaid.

§ 4. That it shall be the duty of any company who shall adopt the provisions of this act, to set apart to the commonwealth, in stock, the value of her interest in said road, to be assessed by three persons to be selected by the governor, who shall report to him; and upon satisfactory proof being made to him that the value of said interest has been set apart, in stock, to the commonwealth, the governor shall release the interest of the commonwealth; and in no other event shall the interest of the commonwealth in said road be surrendered or forfeited: *Provided*, that if any new company shall avail themselves of the benefit of this charter, and make a plank or McAdamized road, then and in that event the road shall be valued, and certificates of stock shall be issued to the present individual stockholders for the present value of the road, so far as individual stock is concerned, which shall be regarded as so much stock subscribed for and paid in under the new charter: *Provided further*, that the state is and shall be forever, hereafter, released from any and all liabilities or debts now due, or that may hereafter become due or payable for and on account of said road, directly or indirectly.

§ 5. That it shall be the duty of the governor, within three months after he shall be duly notified that said charter has been declared forfeited, to appoint said commissioners, and cause the interest of the state and stockholders to be valued according to the provisions of this act; otherwise the interest of the state and stockholders shall be forever forfeited; and it shall be the duty of the judge of the court to notify the governor of the forfeiture, so soon as it takes place.

Approved March 20, 1851.

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Rights of the stockholders.

Meeting of old stockholders to be called.

The interest of the state in said road to be assessed.

Duty of the governor.

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CHAPTER 505.

AN ACT to amend an act, entitled, an act to charter the Louisville and Nashville Railroad Company, approved March 5, 1850.

Any three of the
commissioners
may open books

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act recited in the title shall be so amended as to authorize any three or more of the persons named in the first section thereof to open books of subscription to the stock of said company, at such time and place as they may prescribe by an advertisement in one or more public newspapers printed in this state; and whenever one hundred thousand dollars, or more, shall have been subscribed, they may publish the fact in like manner, and call a meeting of the stockholders, at such time and place as said publication shall designate, for the election of directors for said company, as authorized by the charter.

May construct
branch roads.

§ 2. That said company shall have power and authority to construct their road from the city of Louisville to any point or place in the direction to Nashville, Tennessee, and to connect the same with any railroad extending to Nashville, on such terms and conditions as the two companies may, from time to time, agree on, for the through transportation and travel of freight and passengers; and said company shall have the same power and authority to construct a branch of said road to the Mississippi river, and any other branch said company may desire, that the charter gives them to construct the main line, and with the same rights and privileges, and with the same duties and restrictions; and may, for the main line and branches, acquire, as provided in the charter and by this amendment, the right of way one hundred and fifty feet wide, or more, if necessary; and the quantity of acres of land which they are authorized by the charter to acquire and hold, shall be exclusive of the right of way of the road and branches.

May make
surveys.

§ 3. That after said company shall be organized; by the election of directors, and the choice of a president and other officers, they may cause one or more routes for the main road, and any desired branch or branches, to be surveyed and estimated preparatory to location and the letting the work. But before proceeding to let the work, in whole or in part, the president and directors shall call a meeting of the stockholders, and lay before them the cost of the road, as far as estimated, together with the amount of subscription obtained, and the right of way obtained, and the expenses incurred; and a majority of the stock, in value, shall have the right to order the expenses to be paid, and the subscriptions cancelled, and the company to be dissolved; but they shall have no power to cancel the subscriptions; and dissolve the company, if two-thirds of the estimated costs, within this state, of the main line to Nashville shall have been subscribed to the stock of the company.

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Right of way.

§ 4. That it shall be lawful for said company to apply to any circuit or county court of any county through which it may be proposed said road or any branch thereof shall pass, and for said court to appoint a competent engineer and two disinterested commissioners, any two of whom may act, to examine the proposed route of said road or branch, and to take from the proprietors of the land over which it is to pass a grant of the right of way, of such width as may be desired, and which may include the right to take stone, earth, gravel, or timber for the construction of said road; and they, jointly or severally, shall have the power and authority to take and certify, under their hands and seals, the acknowledgment of such grant in fee or right of way, and the separate acknowledgment of married women, that the clerks of the several county courts have; and on the presentation of the grant and acknowledgment to the clerk of the county court where the land lies, it shall be the duty of the clerk to record the same as other deeds; and they shall be effectual against all persons according to their tenor: *Provided*, that when the parties are infants, or absent, or refuse to make the grant, they shall hear any proof that may be adduced, and, upon their own view, proceed to value any land required for the right of way, taking into consideration the advantages and disadvantages the proposed road will be to the adjoining lands of such proprietor or lands required for turnouts and depot stations for said road, and also of earth, stone, gravel, or timber, for the construction of said road; and report the value they shall have affixed, together with the evidence adduced, to the court appointing them, with a map or profile of the required ground; and said report may be filed with the clerk of such court, and a summons issued to the proprietors to show cause against the confirmation of said report; but if the proprietor shall be out of the commonwealth, the summons may be executed upon a known agent, if there be one in the county, and, if there be no known agent in the county, then the court may order the appearance of the party at a named day, and appoint the clerk to give the proprietor notice, by letter; and in case of there being infant proprietors, the court shall appoint guardians *ad litem* for them, and cause the guardian to appear and act for them; and in case an absent defendant does not appear, the court shall appoint an attorney of the court to act for them. It shall be lawful for the company, or any proprietor, or for both, to traverse the report, and for the court to have the traverse tried in open court by a competent jury; on which trial the report and evidence, returned as aforesaid, shall be heard, together with such other proof as either party may produce. A new trial to the finding of the jury may be granted, as in other cases. The report shall stand for hearing, as to any proprietor,

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when the process has been executed ten days, or after the appearance of a proprietor on the day fixed for his appearance; and the court shall have jurisdiction to confirm the report, if no traverse is filed, and, in case a traverse is filed, to have the same tried by jury, and to give judgment upon the report or finding of the jury, and order the payment of the money, and the execution of the grant in accordance with the report, and to have the grant executed by a commissioner appointed by the court, and order them to be recorded in the county court clerk's office of the county; and either party may have an appeal or writ of error to the proceedings, but no appeal or writ of error by the proprietor shall stop the company from proceeding with the construction of the road.

Stock in branch roads, how regulated.

§ 5. Said company shall allow to all subscribers and holders of stock under the company, interest on the same from the time of paying for said stock up to the time of making the first dividend, and issue to the holder stock therefor; and when stock shall be subscribed for a branch, they may provide that said stock shall not be entitled to draw dividends until the said branch is completed, but may allow interest on the payments up to the completion thereof, and pay it in stock.

Any county may subscribe stock, on certain conditions.

§ 6. That the 22d section of the charter shall be so amended as to authorize the county court of any county through which the road, or any branch thereof, may pass, to subscribe to the stock of said company, in the name of the county, and also to pay the sum so subscribed, as in said section provided; but no such subscription shall be made until after such court shall have been petitioned, in writing, to make the same, by a majority of the constitutionally qualified voters of such county, or until after said court shall have submitted the question of such subscription to all the constitutionally qualified voters of such county, and the proposition shall have received in favor of it a majority of all the votes cast.

How stock to be regulated.

§ 7. The 6th section of an act, entitled, "an act to amend the charter of the Frankfort and Louisville railroad company," approved the 29th day of February, 1848, shall be in force as to all stock subscribed by any county court in this company, and shall be and is hereby made applicable to such court, and to the persons paying such tax, except that the interest shall only be drawn from the time of obtaining the certificate of stock, and which shall be issued to the tax payer, or his assigns, in such manner as such county court and said company may agree.

Company may issue bonds.

§ 8. Said company shall have the power, in contracting for the construction of said road, or any part thereof, to pay one-third of the contract price in the bonds of the company, having not less than ten years to run, and bearing not more than six per cent. per annum interest, payable

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half yearly, and interest and principal payable in some of the eastern cities, and to secure the same by deed of trust on said road, in all respects as the Louisville and Frankfort railroad company are authorized to issue the bonds of said company, and secure the same by a deed of trust on said road, under the acts to amend the charter of the Louisville and Frankfort railroad company, approved the 23d day of February, 1849, and 4th March, 1850; and said company shall have full power and authority to issue the bonds of said company to an amount not exceeding eight hundred thousand dollars, in sums not exceeding one thousand dollars, and bearing an interest not exceeding six per cent per annum, payable half yearly in some of the eastern cities, and secure the same by a deed of trust upon said road, as provided in the above recited amendments to the Louisville and Frankfort railroad company, and to sell said bonds as the Louisville and Frankfort railroad company is authorized to sell the bonds of said company, and apply the proceeds to the completion of said road, or any of its branches.

Approved March 20, 1851.

CHAPTER 507.

AN ACT to amend the charter of the city of Covington.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the records of the proceedings of the city council of the city of Covington, and president and common council of the same, and of the trustees of the town of Covington, and all books or papers kept or filed in the office of the clerk of said city, that are on file at this time, are hereby declared to be public records, and copies thereof made out by the city clerk shall be received and considered as evidence, in all courts and places where the original would be evidence. That the city clerk shall be allowed the same fees for copies, orders, records, or papers, as clerks of the circuit court of this commonwealth, and to be paid by those ordering copies; for which he may issue fee bills as circuit court clerks, or retain the copies till payment therefor: *Provided*, he shall not charge the city for copies, ordered by the council, or any officer or agent authorized to obtain copies for the use of the city.

§ 2. That in all cases where persons are convicted, before the mayor or any justice of the peace in said city, of any offense where a fine shall be imposed, and not paid, the offender shall be confined in the city jail and work house, and made to perform such work as the council shall, by ordinance, prescribe, until the fine and costs shall be discharged, at the rate of fifty cents per day.

§ 3. That so much of the city charter as requires members of the council to be freeholders of the city, be and the same is hereby repealed.

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§ 4. That hereafter, in taking the enumeration of children in said city for city school purposes, the children between the ages of five and eighteen years shall be returned, and the school fund shall be distributed to the city accordingly: *Provided, however*, that the fund so distributed shall be that raised by the city of Covington only, and not that appropriated by this commonwealth.

Approved March 20, 1851.

CHAPTER 508.

AN ACT to incorporate the Deposit Bank of Danville.

Bank established.

Corporate powers.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established the "Deposit Bank of Danville," with a capital of fifty thousand dollars, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style aforesaid, and shall so continue a body politic and corporate until the first day of June, 1880; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever, as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, (provided the value thereof shall not exceed ten thousand dollars,) or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; and said institution may have and use a common seal, change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules, and regulations for the government of the same as may be deemed necessary: *Provided*, they be not contrary to the constitution and laws of this state or the United States.

Business of the bank.

§ 2. That the business of the institution shall be to receive money on deposit, upon which it shall pay an interest to the depositor of not more than six per cent., nor less than two per cent. per annum, as it may choose, dependent upon the length of time for which said deposit may be made; to loan money, discount promissory notes and bills of exchange; the promissory notes made payable to any person or persons, or order, or payable to

this institution or order, and negotiable and payable at their banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had, jointly and severally, against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes; and the said institution shall not, directly or indirectly, deal or trade in any thing except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattels, rights and credits really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

§ 3. The institution shall not at any time owe, either by bond, bill, note, or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposit; and, in cases of excess, the president and directors under whose administration it shall have taken place, shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them, or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, that if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or dissent thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county, and, moreover, within ten days give notice thereof in some newspaper printed in Danville, and transmit a copy thereof to the governor of this state, and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

§ 4. Said institution shall not, at any time; fail or refuse to pay its deposits in gold or silver, or currency of the like kind and value of that deposited; and, in case the officers, in the usual business hours at their banking house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages, at the rate of twelve per cent. per annum, on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure or refusal, or for any violation of

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Not to owe more than twice amount of capital paid in.

Penalty for failing to redeem its deposits.

Proceedings thereon.

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this charter, the same shall be forfeited, and a *scire facias* shall be sued out in the name of the commonwealth, by the attorney general, and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said institution from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contract that may be convenient and proper for that purpose.

Business to be
conducted by
five directors.

Elections, when
to be held.

Liabilities of
directors.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of the said institution shall be under the direction and control of five directors, who shall be stockholders, and, after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and after the first election they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right. They shall hold their offices for one year, and until their successors shall be chosen. All elections, after the first, shall be conducted by two at least of the stockholders, acting under oath, appointed by the directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public after they are taken. No director or officer of any bank shall be eligible as a director in this institution, and any director becoming a director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a director in a bank, be eligible as directors in this institution, at one and the same time; and if the president or any director or officer of the institution shall fail or become insolvent after his election or appointment, he shall become incapable to serve, and shall be held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business be eligible to the office of president, director, or other officer, until all his debts are paid, or he be fully discharged therefrom. If, from any cause, an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday in June following; and said election shall be conducted as required in the regular elections.

Right of vot-
ing regulated.

§ 6. That at all meetings of the stockholders, and at all elections under this charter, each shareholder shall be en-

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titled to one vote for every share held in his own right, up to ten; one vote for every five shares over ten, up to fifty, and one vote for every ten shares over fifty. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote, at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy; such proxy being granted to a stockholder who is not either president, director, or other officer in the same; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

§ 7. That the directors shall elect one of their own number as president, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the directors shall elect a president, *pro tem*. They shall fill all vacancies which may occur in their own body, and appoint such officers, clerks, and servants as deemed expedient; fix their compensation, define their powers and prescribe their duties, and shall require of them such bonds, penalties, and securities as deemed requisite for the security of the institution; which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss; and all such officers shall hold their places during the pleasure of the board.

President, how
to be elected.

§ 8. The president and directors (any three of whom may constitute a quorum for the transaction of business,) may, from time to time, make such by-laws, rules and regulations for the government of the institution as deemed expedient, not contrary to the provisions of this charter, or the by-laws and rules which the stockholders at their annual or other meetings may, from time to time, prescribe: *Provided*, that for that purpose a concurrence of a majority of all the directors shall be necessary.

Directors may
pass by-laws.

§ 9. The president and directors shall hold stated meetings at least once a week, and called meetings may be had whenever deemed necessary. All questions before the board shall be taken *viva voce*; and the yeas and nays on any proposition submitted shall be entered of record, at the request of any two members; and no vote shall be reconsidered when a less number is present than when the vote was given.

Meetings of
the Board.

§ 10. It shall be the duty of the president, on the first day of July, 1851, and on the first day of July in each succeeding year, to pay to the treasury of this state twenty-five cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus: *Provided*, that the legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said institution.

Stock to pay
tax to the state.

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Cash to be examined.

§ 11. That it shall be the duty of the president and directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash accounts of the institution, and a full and complete statement shall be made out and entered on the journal of the proceedings of the board.

Officers not to engage in other business.

§ 12. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the president and directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise.

Penalty on an officer for misapplying the funds.

§ 13. That if the cashier, clerks, teller, agent, or other officer shall, without the authority of the president and directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the institution, with intent to cheat or defraud the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period of not less than two nor more than twenty years.

Record of proceedings to be kept.

§ 14. The president and directors shall keep a record of their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to inspection by the governor, or by any person duly authorized by him, or to any committee appointed by the legislature.

To make annual return to the general assembly.

§ 15. It shall be the duty of the president and directors, during the first week of each session of the legislature, to transmit to the secretary of state an accurate and just statement of the condition of the institution; which statement shall specify the amount of stock actually paid in, the amount not paid in, and the value of the real estate belonging thereto, and its cost; the total amount of debts due to and from the institution; the amount of gold and silver, and other coined metal and bullion on hand; the amount deposited; the amount of bills of banks; the amount of notes and bills of exchange due the same; the rate and amount of each dividend of profits, with the amount of surplus profits or contingent fund; which statement the governor shall cause to be laid before the legislature; and they shall, when required by the legislature, report all bad and doubtful debts.

Directors and officers to take an oath.

§ 16. The president, cashier, and other officers, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer, faithfully, honestly, impartially, and to the best of their skill and judg-

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ment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

§ 17. This institution shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum for the loan or use of money; and interest on promissory notes, negotiable and payable at the same and there discounted, shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's table of discount and interest.

Rate of interest.

§ 18. The president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall, by their by-laws, prescribe; certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable, when made payable to order.

Certificates of stock to be issued.

§ 19. The general meeting of the stockholders shall be held annually on the first Monday in May in each year, in the town of Danville, at the time of the annual election, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called as provided in this charter, or by the president and directors when they deem it desirable, or by any number of the stockholders the by-laws shall require.

General meeting of the stockholders.

§ 20. The legislature shall have the right to investigate the situation and affairs of said institution, by any committee they may appoint for that purpose; and the general court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceedings shall be by *scire facias*, alledging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the attorney general, when directed to do so by the legislature.

General assembly may investigate its affairs.

§ 21. That Albert G. Talbott, John R. Ford, Obediah Garnett, James Kinnard, James Barbour, A. D. Meyer, James P. Mitchell, John A. Burton, John Wheelan, William W. McDowell, Jeremiah Fields, Charles Henderson, Charles H. Rochester, and C. B. Wallace are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the election of the first board of directors, any three of whom shall be competent to exercise the powers and perform the duties required by this section.

Commissioners to open books.

§ 22. The said commissioners shall have power, and they are authorized and required, on the second Monday in April next, or at such other time within two years thereafter

Their powers and duties.

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as they shall deem expedient, having given not less than thirty days' notice thereof in some newspaper printed in Danville, to open books for the subscription of the capital stock of said institution at Danville, and such other places as they may deem advisable, and cause said books to be kept open from 10 o'clock, a. m., until 2 o'clock, p. m., for at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

Books may be re-opened if all the stock be not taken.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days' notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken; and the president and directors may require such premium on the stock sold at the re-opening of the books as they shall deem right; and such premium shall be the property of the institution.

When directors may be elected.

§ 24. That when not less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Danville for the election of the first board of directors, who shall hold their offices until the succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath and perform all the duties of inspectors of elections in like cases.

How stock shall be paid.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations, shall be made in gold and silver, or notes of either of the banks or branch banks in this state, and at the times and in the manner following, viz: five dollars on each share, to the commissioners at the time of subscribing, and five dollars on each share, within ten days after the election of the first board of directors, and five dollars every sixty days thereafter, until the whole amount of said stock is paid: *Provided*, that the board shall have power to prolong the time for the payment of each instalment after one-half of the amount of each share shall have been paid.

How stock may be forfeited.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock as herein provided, the president and directors, first giving public

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notice in two or more newspapers for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed at such time as they may deem expedient to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the institution.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in by individuals, companies, or corporations, as heretofore required, the president and directors shall cause the governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the president and at least two of the directors, that the same has been paid in as capital stock, *bona fide*, and make due return thereof to him; and, on such appearing to be the fact, the governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done; and the said institution is then hereby authorized to commence operations.

When the bank may commence business.

§ 28. That no one individual, company, or corporation, shall be allowed to hold more than one hundred shares of the capital stock of this institution, either in their own names or in the names of others in order to transfer them; and all stock that any individual, company, or corporation, shall take or hold contrary to this provision, shall be forfeited to the institution for the benefit of the other stockholders; and no individual, company, or corporation, shall be allowed in person or by proxy, to vote at the first election of directors on any stock which may stand in his, her, or their names, without first making oath that the stock, *bona fide*, belongs to them, and is not held in trust for others.

Limitation to subscriptions of stock.

§ 29. That it shall not be lawful for the president or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institution; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars, to be recovered by action of debt in the name of the corporation, for its own use and benefit.

No director to become security.

§ 30. That said institution shall not make any loan of money or discount any note or bill in any case whatever, for the purpose of enabling any individual to make payment for its own stock; and no stockholder shall be allowed to pay any debt he may owe the same, by the surrender of stock; and stockholders who shall become indebted to the institution, shall be compelled to pay their debts in all respects as other persons dealing with the same; nor shall any stockholder be allowed to make payment of the shares of stock held by him or them, by means of loan or loans obtained from the institution.

No loans to be made for stock.

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Real estate ac-
quired to be sold
within 5 years.

No note to be
issued as cur-
rency.

§ 31. That the real estate purchased by this institution, or the legal title of which shall be acquired in any way, (except such as may be held for the purposes mentioned in the first section of this act,) shall be sold within five years after it shall have perfected its title thereto; and on their failure to comply with the provisions of this section, the same shall vest in the commonwealth.

§ 32. That it shall not be lawful for said institution to issue any note or bill to be passed and used as currency; and if it shall so presume to do, the charter shall be forfeited, as provided in the fourth section of this act.

Approved March 20, 1851.

CHAPTER 509.

AN ACT to unite into one the Louisville and Sulphur Well Turnpike Road Company, and Louisville and Shepherdsville Plank Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Louisville and Sulphur Well turnpike road company, established under and by virtue of the act, entitled, "an act to authorize the construction of plank, stone, and gravel turnpike roads in this commonwealth," approved March 7, 1850, to unite both companies and roads under the charter of the said Louisville and Sulphur Well turnpike road company; and after the union, the stockholders in the Louisville and Shepherdsville plank road company shall succeed to all the rights, benefits, and privileges of the stockholders in the Louisville and Sulphur Well turnpike road company, in as full and ample a manner as if they had originally subscribed for and taken stock in said company; and this last named company shall be under all the obligations and requirements imposed by the charter of the said Louisville and Shepherdsville plank road company, and have all its rights, benefits and privileges, and particularly the right to set up a toll gate, and collect tolls thereat, on the branch of said road next to the city of Louisville and coming in on Preston street; and, also, shall have the power, right, and privilege to change the location of said road southwest of Montgomery's Spring, in Jefferson county, so as to make a proper connection with any turnpike or plank road leading from Shepherdsville, in Bullitt county, to their said road at the Bullitt county line; and in order to promote the construction of a continuous turnpike or plank road from Shepherdsville to their said road, said company shall have the right to subscribe stock in any turnpike or plank road company from Shepherdsville, to connect with their said road, on such terms and conditions as may be agreed upon, and also to borrow money for either of said purposes.

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§ 2. That after the union of said two companies, as herein provided, the stockholders of both companies shall, at the first annual election of president and managers thereafter, and so in each and every year thereafter, elect a president and six managers, as provided in the charter of the said Louisville and Sulphur Well turnpike road company, for the management of their affairs.

§ 3. That this act shall not take effect so as to unite said Louisville and Sulphur Well turnpike road company, and the Louisville and Shepherdsville plank road company, until its provisions shall have been accepted, in writing, by the officers of said corporation authorized to bind the same by contract.

Approved March 20, 1851.

CHAPTER 511.

AN ACT to incorporate the Greenville Mansion Hotel Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That C. Bell, B. E. Pittman, G. W. Short, T. R. Mathews, and R. S. Russell, and their successors in office, shall be and they are hereby created a body politic and corporate, by the name and style of the president and directors of the Greenville mansion hotel company, and, by that name, made capable in law to hold and acquire, by gift, grant, or devise, any real and personal estate in or near the town of Greenville, in Muhlenburg county, and the same to sell and convey at pleasure; to sue and be sued, defend and be defended; to have and use a common seal, and the same to break or change at pleasure, and to do and perform all acts necessary to carry into effect the provisions of this act, and promote the objects of this corporation, that they may deem proper.

Name and style.

§ 2. The capital stock of said company shall be not exceeding twenty-five thousand dollars, which shall be divided into shares of twenty dollars each, which shall be issued as the president and directors may, by by-laws, determine, and which shall be held and considered as personal estate, and pass by assignment of the holder, or his personal representative.

Capital stock.

§ 3. The corporators named in this act shall cause books to be opened for the subscription of stock to said company, at such time and place as they may deem advisable, notice of which they shall cause to be given in such manner as they may determine; and when the sum of five thousand dollars is subscribed, said corporators shall cause notice thereof, by written advertisements posted up at such places as they may deem proper, to be given, and convene the stockholders, on some day and at such place as said corporators may indicate in the notice, for the purpose of

Books to be opened for the subscription of stock.

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electing a treasurer, secretary, and five directors, from among themselves, for that year.

Each share entitled to one vote.

§ 4. That at such election each stockholder shall be entitled to one vote for each share of stock held by him, either in person or by proxy; and after the election of said treasurer, secretary, and five directors, the directors thus chosen shall elect one of themselves president; and said president and directors, secretary, and treasurer shall hold their office for one year, and until their successors are chosen and accept.

May enact by-laws, &c.

§ 5. The said president and directors may pass all by-laws for the government of said company, and necessary for the purpose of carrying out the provisions of this act; and may, after said five thousand dollars have been subscribed, proceed to have the same called in and applied to the erection of a hotel, with all the necessary appendages and out houses, in the town of Greenville, on such a plan and terms as they may deem to the interest of said company: *Provided, however*, that the by-laws permitted by this section shall not be inconsistent with the constitution and laws of this commonwealth.

Books may be re-opened.

§ 6. That said president and directors shall, if the whole of said capital stock has not at any time been subscribed and taken, direct books to be opened for subscription of the portion remaining untaken, at such times and places as they may deem advisable; and said president and directors may cause certificates of stock to be issued, in such manner, and with such form as they may prescribe; and any three of the directors, with the secretary and treasurer, shall constitute a quorum for the transaction of business.

Not to engage in banking.

§ 7. The said corporation shall not exercise banking privilege, nor do any acts which is inconsistent with the meaning of this charter; and, for any violation thereof, the privileges herein granted shall be forfeited by the judgment of the Muhlenburg circuit court, by proceedings to be instituted by *scire facias*, in the name of the commonwealth.

Approved March 20, 1851.

CHAPTER 512.

AN ACT to incorporate the Paint Lick Presbyterian Church in Garrard county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That H. T. Terrill, William Baird, Jas. Denny, Rice G. Woods, George Denny, and Franklin Moran, and their successors, be and they are hereby created a body corporate and politic, by the name and style of the trustees of the presbyterian church at Paint Lick, Garrard county; and, by that name shall have perpetual succession, and, in their corporate name, shall have full power to buy,

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sell, and convey, and receive by way of gift, conveyance, devise, or bequest, any and all property, real or personal, and to hold and convey title to the same, with all the powers incident to such corporations, (not contrary to the constitution of this state,) for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, privileges, possessions, and immunities of said church, which now do, or may hereafter belong to the same; to hold and employ the land and other property, and make contracts concerning the same, solely and conclusively for the purpose of sustaining and carrying out the educational and religious interests of said church: *Provided*, that said Franklin Moran is not to act as trustee aforesaid, until certain business transactions now pending between him and the church are settled.

§ 2. That the session of said church shall be, *ex officio*, the successors of the aforementioned trustees; said trustees to continue in office during life, or so long as they reside in the bounds of said church.

§ 3. The legislature reserves the right and power to repeal or modify this act at pleasure.

Approved March 20, 1851.

CHAPTER 514.

AN ACT for the benefit of the town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the town of Russellville, or their agents, be and they are hereby authorized to open a street in said town, as follows: beginning at the line of boundary between Mrs. Hester Edward's land and the town of Russellville; running thence in a northeasterly direction to Nashville street; running by H. P. Broadnax's lot, through the south end of the new grave yard of said town, and lots in the possession of John B. Bibb, to said Nashville street, or according to the following order of the trustees of the town of Russellville: "*Ordered*, that the south string of the new grave yard fence be removed in about twenty-one feet, or sufficient to have a street between said fence and judge Broadnax's fence, of thirty feet;" which said street, when so opened, shall be a public street, and under the control of the trustees of the town of Russellville.

Approved March 21, 1851.

CHAPTER 516.

AN ACT legalizing the proceedings of the Owsley County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the laying of the levy for the county of

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Owsley, by the justices of said county, at their January term, 1851, be and the same is hereby legalized and made as valid in law as though the same had been done at the fall term of said court, as now required by law.

Approved March 21, 1851.

CHAPTER 517.

AN ACT to incorporate the Baptist Church of Bedford, Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Frederick Duncan, Brooks R. Pergison, and Isaac Johnson, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the trustees of the baptist church in the town of Bedford, Trimble county; and, by that name, to have perpetual succession, with all powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities of said church, which now, or may hereafter belong to the same; that whenever vacancies may occur in the office of the trustees, it shall be lawful for them to be filled pursuant to the discipline and rules of said church. The right is hereby reserved to the legislature to alter, amend, or repeal this act at pleasure.

Approved March 21, 1851.

CHAPTER 518.

AN ACT to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the members of Augusta lodge, No. 80, in Bracken county, of free and accepted masons, be and they are hereby created a body politic and corporate, by the name and style of Augusta lodge, No. 80, with perpetual succession; and, by that name and style, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of the buildings, shall at no time exceed ten thousand dollars.

Trustees to
manage
con-
cerns of corpo-
ration.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to George Green, Jr., Lewis Weimer, Robert S. Owens, and William Nor-

ris, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

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§ 3. That the trustees named in the second section of this act shall hold their offices until the 24th day of June, 1852, when the members of said lodge shall elect five trustees, and continue to hold their elections, for the election of trustees, on the 24th day of June in each succeeding year: *Provided*, that said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws and regulations, not inconsistent with the constitution and laws of this state or of the United States, as may be necessary to the safe-keeping of the property and other interests of the lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

Term of office.

§ 4. The legislature hereby reserves the right to repeal or change this act at pleasure.

Approved March 21, 1851.

CHAPTER 519.

AN ACT to incorporate the Waidoboro' and Marshall County Seminary.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Dr. Richard Nuckolls, William Brown, W. W. Williams, James Williams, and J. L. Irvan, trustees of the town of Waidoboro', and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of "the trustees of the Waidoboro' and Marshall county seminary;" and, by that name, may sue and be sued, plead and be impleaded in any court of law or equity, and may make such by-laws, rules, and regulations for the government of said seminary as they may deem expedient and proper: *Provided*, the same be not contrary to the constitution or laws of this state. Four of said trustees shall constitute a quorum to transact any business, which they are hereby authorized to do, a majority concurring therein. They shall have power to appoint some one of their own body as president of their board, and, in the absence of said president, may appoint a president *pro tem.*, whose duty it shall be to preside at all meetings of said trustees, as president of said board. They may also appoint, from time to time, a treasurer, clerk, and such other officers as they may, from time to time, deem necessary and proper. They shall have power to appoint a principal professor or teacher, and such assistant professors or teachers as they

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may, from time to time, deem necessary. They shall keep a fair and full record of all their proceedings.

§ 2. That the corporation hereby created shall have full power and authority to acquire and hold, by purchase, devise, or otherwise, all such lands, tenements, hereditaments, money, or property as said trustees may think proper to purchase, or such as may be given, devised, or bequeathed to them, for the use and benefit of said seminary, and the same to dispose of by bargain and sale, or any other mode of alienation. They shall have full power and authority to enforce the collection of any subscription which may be made for the benefit of said seminary, at such time, and in such proportions as they may deem proper. It shall not be necessary for said corporation to procure a common seal. All its corporate acts shall be known by the signature and private seal of the president, affixed to the contract or writing executed, or by some entry, minute, or memorandum made on the record of the proceedings of said corporation; and all contracts, writings, deeds, and conveyances made and entered into in the name of the trustees of the Waidsboro' and Marshall county seminary, and signed by the president thereof, in his official capacity, in manner aforesaid, shall be as valid and effectual in law as if the corporation had a common seal, and the same was affixed in due form to said contract, writing, deed, or conveyance.

§ 3. The legislature hereby reserves the right to alter, amend, or repeal this charter.

Approved March 21, 1851.

CHAPTER 529.

AN ACT for the benefit of the children of David and John Hogan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the guardians of the children of David Hogan and John Hogan, jointly or separately, to file a petition in the Boone or Carroll circuit court, against the said children, representing that it would be to their interest that any money that they may be entitled to under the will of Elijah Hogan, deceased, should be invested in lands; and if said court should be satisfied, upon proof made, that such an investment would be to the interest of said children, said court may order the portion due the children of David Hogan, and the portion due the children of John Hogan to be invested in any lands in or out of this commonwealth, and cause the said lands to be, by proper and appropriate deeds, conveyed to said children, so as that they shall hold said lands on the same terms as they took the money by the will, and, for that purpose, may retain the same, and,

if necessary, by necessary proceedings enforce the provisions of this act: *Provided, however*, that before the said court shall make any order for the investment of said money, it shall exact bonds from the guardians of said children, with such security, and in such penalty as said court may deem proper, conditioned for the faithful investment of the money according to the provisions of this act.

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Approved March 21, 1851.

CHAPTER 521.

AN ACT to amend the charter of the city of Augusta.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the city of Augusta, approved February 28, 1850, be so amended as that the marshal of said city shall hereafter be elected by the qualified voters of said city, at the same time, and under the regulations as is provided for the election of mayor of the said city by said charter.

Approved March 21, 1851.

CHAPTER 522.

AN ACT for the benefit of Elizabeth C. Flourney, of McCracken County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Elizabeth C. Flournoy, wife of L. M. Flournoy, of McCracken county, be and she is hereby authorized and empowered to make her last will and testament, which shall be as valid, and of as full force, in law, as if she were a *feme sole*; and all devises and bequests made by her in such will, if made by her while a *feme covert*, shall pass the title as fully and perfectly as if she were an unmarried woman at the time of making such will: *Provided*, said will shall be made, during the life of her present husband, L. M. Flournoy.

§ 2. That the property hereby authorized to be devised, under this act, by the said Elizabeth C. Flournoy, is confined to the property that belonged to her before her marriage with her present husband.

Approved March 21, 1851.

CHAPTER 525.

AN ACT in relation to the Goose Creek Turnpike Road, in Knox and Clay counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much an act to amend the laws in relation to the Goose creek turnpike road, in the counties of

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Knox and Clay, and for other purposes, approved March 4, 1843, as, compels persons living within one half mile of the Goose creek road leading from Flat Lick, in Knox county, to R. Wickliffe & Co.'s old stone house, in Clay county, to work four days, be so modified that they shall be required to work but two days in each year.

Approved March 21, 1851.

CHAPTER 528.

AN ACT to incorporate the Winchester, Kiddville and Mountsterling Turnpike Road Company.

Name and style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name and style of the Winchester, Kiddville, and Mountsterling turnpike road company, for the purpose of making a turnpike road from Winchester, by way of Kiddville and Schollsville, to Mountsterling; and that the capital stock of said company shall be as many shares, of fifty dollars each, as will make said road, not exceeding the sum of sixty-five thousand dollars.

Books to be opened for the subscription of stock.

§ 2. The books of said company shall be opened for the subscription of stock on the first Monday in May next, or at any time thereafter that may be deemed expedient, in Winchester, under the direction of Charles Eginton, Benjamin Turner, Henry Grant, Aylett H. Buckner, John B. Huston, James Allen, Thomas B. Allen, Wyatt Owsey, or any two of them; at Schollsville, under the direction of David H. Butler, John Quisenberry, Thomas Lindsay, Samuel Stewart, Mason Morris, Stephen Hulse, Harrison Thomson, or any two of them; and at Mountsterling, under the direction of Peter Everett, Alexander Lindsay, William Mitchell, jr., Nelson Prewitt, John Jay Haden, Walter Chiles, Samuel E. Tipton, and George Carter, or any two of them. The subscribers to said company shall enter into the following obligation, substantially: "We, whose names are hereto subscribed, severally promise to pay to the Winchester, Kiddville, and Mountsterling turnpike road company the sum of fifty dollars, in cash, labor, or materials, as the president and directors may require, for each and every share of stock set opposite our names, respectively, and agreeably to an act of the general assembly incorporating said company." Notice shall be given of the subscription of stock in said company.

Privileges of the corporation.

§ 3. That the third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, and seventeenth sections of an act, entitled, "an act to incorporate certain turnpike roads in Montgomery county, and for other purposes," approved March 5, 1850 be and they are hereby adopted as parts of this act.

§ 4. That as soon as five consecutive miles of said road may be completed, and for every five miles that may be thereafter completed, and two justices of the peace shall certify to the fact, a toll gate may be put across said road, and the corporation may collect the tolls and duties granted to said company under this act, from all persons traveling with horses, cattle, carriages, &c.: *Provided*, that no toll gate shall be erected within one mile of either of said towns.

§ 5. That said books may be opened at Kiddville, under the direction of Robert Kidd, Peyton Adams, Leonard Bell, William Rupert, William Ballance, William H. Jones, or any two of them, for subscription of stock in said company.

Approved March 21, 1851.

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Toll gate may
be erected.

CHAPTER 529.

AN ACT to amend the acts incorporating the Paris, Winchester, and Kentucky River Turnpike Road Company, and to authorize a transfer to the same of the Winchester and Kentucky River Turnpike Road Company's effects, &c.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, an act to incorporate the Paris, Winchester, and Kentucky river turnpike road company, approved February 26, 1848, be so amended as to authorize the board of directors for Clarke county to obtain a further subscription of stock, at such times and places as may by them be deemed expedient, in order to the construction of the said turnpike road to the Kentucky river, the stock so obtained to be expended between Winchester and the river; the said Clarke board to have full power to locate, and generally to manage the same, until they are superseded by a president and board of directors for the road at large; and the rate of toll on the said Paris, Winchester, and Kentucky river turnpike road is so changed as to authorize the collection of five cents at each gate for every horse, mule, ass, or four footed animal of the larger kind, except cattle, &c.

§ 2. The president and directors of the Winchester and Kentucky river turnpike road company, having first obtained the written consent of the individual stockholders in said company, and that of the Clarke board of directors aforesaid, are hereby authorized to transfer all their effects, contracts, rights, privileges, immunities, powers, subscriptions of stock, choses in action, responsibilities, &c., to the president and directors of the Paris, Winchester, and Kentucky river turnpike road company; who shall, thereupon, have full power to enforce and enjoy the same, and be as fully responsible for present liabilities as the president, directors, and company of the Winchester and Kentucky river turnpike road company might be; and the individual

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stockholders shall, thereupon, incur all the responsibilities, and be entitled to all the privileges of stockholders in the Paris, Winchester, and Kentucky river turnpike road company, and receive certificates of stock therefor; and the said Winchester and Kentucky river turnpike road company will be merged in, and be a part of the said Paris, Winchester, and Kentucky river turnpike road company.

Approved March 21, 1851.

CHAPTER 530.

AN ACT further to define the powers of the Trustees of Winchester, and extend the privileges of its citizens.

Officers, when
to be elected.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That at the time and place of electing trustees of said town, in each year, the persons entitled to vote for said trustees shall elect the town attorney, the town sergeant, or marshal, and the market master, to serve for one year, and until the election and qualification of their successors; and said officers shall each take an oath, to be administered by one of said trustees, faithfully to discharge the duties of his office; and said town marshal shall, before he enters on said duties, execute bond, in adequate penalty, and with sufficient security, payable to said trustees, and conditioned according to law; and said trustees shall have power to remove from office, for misfeasance, malfeasance, or other cause, any of said officers, a majority of said trustees concurring in said removal, and the cause of said removal being stated in their books; and in case of a vacancy in either of said offices, at any time after the first day of March next ensuing their election, by death, resignation, or otherwise, such vacancy shall be filled by the appointment of the trustees for the residue of the term; but should such vacancy occur before said day, it shall be filled by a special election, upon five days' notice, printed or written, posted up at the court house door in said town.

§ 2. The town attorney, by virtue of his office, shall be clerk of the said board of trustees.

§ 3. It shall not be lawful for any one to act as collector of the taxes of said town at any time within one year after such person shall have acted as assessor of the taxable property of said town.

Trustees, their
powers & duties

§ 4. The said trustees shall have power, by their by-laws, to prohibit slaves living within said town from owning a horse or mule, and punish such offense by the infliction of stripes on such slave, and a fine on the master of such slave; and to declare the said property, so held by such slave, forfeited, and provide for its sale and application of its proceeds to the use of said town.

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§ 5. The said trustees shall have authority to base the *ad valorem* tax of said town on the assessment of its property and enumeration of its titheables, made by the county assessor for the current year; or they may cause said property to be assessed and titheables enumerated by a town assessor, as heretofore.

§ 6. If, in any elections of said officers, any two or more of the candidates shall have the highest and an equal number of votes, the contest between them shall be decided by lot, in such manner as the ordinances of said town shall prescribe.

Approved March 21, 1851.

CHAPTER 531.

AN ACT for the benefit of the Mechanics of Pulaski county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That carpenters, joiners, brick masons, stone masons, plasterers, turners, painters, brick makers, lumber merchants, and all others performing labor, or furnishing materials for the construction or repair of any building within the county of Pulaski, shall have a joint and several lien upon the buildings they may be employed to construct or repair, or for which they may furnish materials, to the extent of labor done and materials furnished by them respectively: *Provided*, that no lien shall attach for any sum not amounting to twenty dollars.

May have a
lien for labor &c

§ 2. That any person or persons, having lien under this act, may enforce the same by filing a bill in the Pulaski circuit court, at any time within two years from the completion of the work, or furnishing the materials. All persons having a lien may join in the bill against the employer, or one or more of them may file a bill against the employer, and the other persons having a lien. Each claim shall be clearly and distinctly stated, and as clear and distinct answer shall be made to the same. The court, on the application of either party, may direct an issue to be made, and a jury called to try the same, as in other cases at law; and when the claim of each shall be ascertained, the court shall decree the amount against the owner of the building, and direct the house and the interest of the employer in the lot or tract of land to be sold on a credit of six, twelve, and eighteen months, bearing interest from date, and shall cause the sale money to be collected and distributed in payment of the amount decreed to the claimants. The amount due the claimants shall bear interest from the time the same shall become due, under the contract of the parties. The court, after all the claimants have been paid, shall direct the surplus to be paid over to the owner of the property, or other person entitled thereto; and should the

How lien to
be enforced.

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proceeds of sale prove insufficient to pay all claimants, then the court shall cause each to be paid in proportion, and enter a decree against the debtor for the balance.

Journeyman
may have lien.

§ 3. That any journeyman who may be employed in the construction or repair of any building, within the county of Pulaski, shall, to the extent of wages for the labor done on such building, have a lien on the same: *Provided*, that such journeyman shall give the owner of the property written notice, before payment is made to the undertaker, or building mechanic, that he looks to the property for payment of what may be due to him for labor done on the building. He may file his bill to enforce the lien; and he may be, and shall have the right to be made a defendant to any bill brought to enforce any lien given by this act. He shall have a right to a decree for the wages due him, and the same shall be paid out of what money may be due the undertaker, or building mechanic, if so much be due to him; and if there be more than one journeyman entitled to a lien, under this act, and the amount due to the undertaker shall not be sufficient to pay them all, they shall be paid in proportion.

§ 4. That none of the persons named in the first section of this act shall have a lien, if they shall have taken or relied on other security; nor shall any journeyman have a lien when his principal had none.

Proof may be
taken.

§ 5. That the complainant or complainants in any suit instituted under this act, may proceed to the proof of their respective claims immediately on the service of process; and any defendant or defendants claiming a lien, may proceed to the proof of their respective claims immediately on filing their respective answers, asserting and specifying their claims. It shall not be necessary for a defendant or defendants claiming a lien or relief against any complainant or co-defendant, to make their answer or answers a cross bill against the complainant, or any of the co-defendants; but the assertion of their respective claims and liens, in their answers, with a prayer for the appropriate or general relief against any of the complainants or defendants, shall be sufficient to authorize a decree in their favor.

Twenty days
allowed defend-
ant to answer.

§ 6. That, immediately upon the filing of any bill under the provisions of this act, any defendant or defendants shall have the right to file his or their answer, under oath; and the clerk shall indorse thereon the time of the filing of the same; and twenty days shall be allowed to the defendant or defendants to file their answer or answers after the service of process. The cause shall stand for trial at the first term after the service of process, if the same shall have been served twenty days before the commencement of the court, and either at a common law or chancery term, and may be taken up for trial on ten days' notice, in writing, on any day of such term. The court, for good cause,

may grant a continuance, and may permit a defendant or defendants to file his or their answers at any time before the trial of the cause, on such terms as the court may deem equitable.

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Approved March 21, 1851.

CHAPTER 532.

AN ACT to legalize the proceedings of the Bracken County Court, at its October term, 1850.

Whereas, the county court of Bracken, at its October term, in the year 1850, subscribed five thousand dollars to the Foster, Falmouth, and Cynthia turnpike road, upon certain conditions named in said order of subscription; and whereas, said county court were unauthorized by any law to make such subscription. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the Bracken county court, at its October term, in the year 1850, in making subscription to the Foster, Falmouth, and Cynthia turnpike road, be legalized, and made as binding, upon the terms therein specified, as though the same had been made by authority of law.

Approved March 21, 1851.

CHAPTER 534.

AN ACT to incorporate Hancock Lodge, No. 115, in Hancock county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the master, wardens, and brethren of Hancock lodge, No. 115, of free and accepted masons, at Hawesville, in Hancock county, are hereby created a body politic and corporate, with perpetual succession, under the name and style of Hancock lodge, No. 115; and, by that name, may sue and be sued, and plead and be impleaded in all courts in this state; and, in its corporate capacity, may make, have, and use a common seal, and the same alter and renew at pleasure.

§ 2. That said corporation shall have power to purchase and hold any real estate, not exceeding in value five thousand dollars at any one time, in the county of Hancock, and to erect any and all buildings thereon which they may deem necessary and proper, and to sell and convey the same at pleasure; to make all necessary by-laws for the government of said corporation, and the management of its concerns, not inconsistent with the constitution and laws of the United States or of this state; and shall have all the powers properly belonging to corporate bodies; and service of legal process upon the master of said lodge shall be sufficient for all legal purposes.

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§ 3. The general assembly reserves the right to modify or repeal this act at pleasure.

Approved March 21, 1851.

CHAPTER 535.

AN ACT for the benefit of William T. Dudley, Clerk of the Fleming County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William T. Dudley, clerk of the Fleming county court, is hereby authorized to list for collection, by distress or otherwise, in the years 1851 and 1852, his fee bills for the year 1849, or to relist those for that year which he once listed and has not collected, with any officer authorized to collect fee bills, subject, however, to all the penalties imposed on clerks for the issuing and collecting illegal fee bills.

Approved March 21, 1851.

CHAPTER 536.

AN AOT to amend the charter of the Falls City Insurance Company, approved February 20, 1851.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Falls City insurance company be amended as follows: amend the ninth section by adding, after the words "waters of the United States," the following words: "or any of the high seas," investing the said company with full power to make insurance on any of the waters and high seas of the commercial world; also, amend the twelfth section by giving and adding "sixty days," instead of "thirty days," as therein named, for paying losses, as in said section named.

Approved March 21, 1851.

CHAPTER 537.

AN ACT to extend the limits of Independence, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town limits of Independence, in Kenton county, shall be so enlarged as to include the residences of Dr. A. K. Johns and Aaron Striger in said town limits.

Approved March 21, 1851.

CHAPTER 540.

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AN ACT to authorize the county of Bourbon to issue bonds, and to subscribe stock in the Covington and Lexington, and in the Maysville and Lexington Railroad Companies.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Bourbon county be and it is hereby authorized and required to subscribe fifty thousand dollars to the capital stock of the Covington and Lexington railroad company, fifty thousand dollars to the capital stock of the Maysville and Lexington railroad company, and one hundred thousand dollars of capital stock towards the construction of a common railroad, for the use of the said two companies, from Paris to Lexington; said several sums of capital stock to be appropriated and used in the construction of the portions of such roads, respectively, as will be between the Bourbon county line and the town of Paris; and the one hundred thousand dollars aforesaid shall be held by the county of Bourbon as capital stock, in equal portions, in said railroad companies.

Bourbon county may subscribe stock in certain railroads.

§ 2. That the aforesaid amounts of capital stock shall be paid to said railroad companies, respectively, by the making and delivery to their boards of directory the bonds of Bourbon county, of equal amount with the stock so directed to be subscribed; said bonds to run for a period not exceeding thirty years, and carrying interest at the rate of six per cent. per annum, payable semi-annually; and they shall be issued at such times, and for such amounts as the president and directors of the company entitled to them may require, and in the same forms, and subject to the same regulations as other bonds payable to the same company in discharge of its capital stock. But if either of said railroad companies shall not, on or before the first day of June next, in proper form, signify its assent, and agree to unite with the other company in making a common railroad from Paris to Lexington, then the company which shall have expressed such assent and agreement shall be entitled to the whole of said one hundred thousand dollars in bonds of the county, to be applied by such company in the construction of that part of the railroad of such company, from Paris to Lexington, as shall be betwixt the Bourbon county line and the town of Paris; and the county of Bourbon shall, in right of said bonds, hold one hundred thousand dollars of capital stock in said company.

May issue bonds for said subscription.

§ 3. That power is hereby given to the president, directors, and company of the Covington and Lexington railroad company, and to the president, directors, and company of the Maysville and Lexington railroad company, to unite in the construction of a common railroad from Paris to Lexington, the terms of union and construction, which shall be upon equitable and fair principles to both com-

Said companies may make common railroad from Paris to Lexington.

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panies, to be agreed upon by the directors of the two companies; and when thus agreed upon, to be expressed in writing, signed by the president, and countersigned by the proper secretary of each board, accompanied with the seal of each company, and to be recorded in the clerk's office of the Bourbon county court.

Interest to be
paid.

§ 4. That the said county court of Bourbon county shall punctually pay the interest upon all said bonds as it may fall due, until the stock herein authorized to be subscribed shall be entitled to draw dividends, and then the president and directors of the company in which said dividends may be declared, shall, *ex officio*, appropriate such dividends, or so much thereof as may be necessary to the payment of the interest due and payable upon the appropriate bonds. But until such dividends accrue, and so far as they may at any time be insufficient to pay the interest upon said bonds, or any portion of it, the said county court of Bourbon county shall, for all time before the accrual of such dividend, make certain and ample provision beforehand to meet such interest; and thereafter, so soon as it can reasonably be anticipated that such dividend will not be sufficient to pay the whole of the interest about to fall due on said bonds, or any of them, the said county court shall thereupon make certain and ample provision to supply such deficiency. And to enable the said county court to pay the interest on said bonds, as herein provided for, and to protect the credit of the county, it shall have full power and authority, and it shall be its duty to assess a tax on the *ad valorem* principle, upon all the rights, property, and estate within Bourbon county, which is subject to the payment of a tax to the commonwealth, upon the same principle: *Provided*, that all persons who have subscribed, or who may hereafter subscribe capital stock in either of said companies, or who may be subject to the payment of a tax under any other law than this, to be appropriated or subscribed as such capital stock, shall have a credit for the amount of tax which he or she may pay under this law, upon the amount of so much of his or her subscription or tax, under any other law, as may then be due and payable: *And, provided further*, that if either of said companies refuse to accept the provisions of this act, the right to receive a credit under the foregoing provision shall be extended only to those persons who may have subscribed stock, or who shall have to pay tax to the company which shall accept its provisions.

Who to sign
bonds.

§ 5. That the bonds herein authorized to be issued shall be in the name of the county of Bourbon; shall be signed by the presiding judge or justice, or the judge of the said county court, and be countersigned by the clerk of said court, with the seal of his office affixed. But before any bonds shall be issued, an order for them, with a proper de-

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scription, by amount and date, shall be entered upon the record of said court. And the said court shall have power and authority to hold its terms at all times, and to make any and every order necessary and proper in the execution of this law.

§ 6. That said bonds shall be transferable by the order of the directory of the company, to which the same shall be made payable, such order to be indorsed upon the bonds transferred, signed by the president, and countersigned by the secretary.

Bonds may be transferred.

§ 7. That all persons paying any tax under this act shall be entitled to receive from the collector, or other receiver thereof, a certificate or certificates of the amounts he or she shall have paid, addressed to the president and directors of the railroad company for whose benefit such tax, or any portion of it, may have been paid, which certificates shall be assignable; and any person holding such certificates to an amount equal to one share of stock in said railroad companies, or equal to any greater number of shares, shall, upon the tender of such tax certificate or certificates to the directory of the appropriate company, be entitled to have the proper certificate or certificates for an equivalent amount of stock. And to enable the collector, or other receiver, to give said tax certificates correctly, the county court aforesaid shall, at the time of assessing any amount of tax under this act, direct, by proper order, in what proportions it shall be paid upon the bonds respectively executed to the aforesaid railroad companies.

Tax payers to be stockholders.

§ 8. That the honor, and all the property and estate of the aforesaid property and estate of the aforesaid county of Bourbon shall be held sacredly bound for the payment of the interest upon all bonds which may be issued under this act, and for the redemption of the principal of said bonds as they respectively reach their maturity. And the county court of Bourbon county, or any other court of said county vested with analagous powers to those of said court, shall have full power and authority, and it shall be the duty of said county court, or other court, at the proper time or times, to make an assessment, on the *ad valorem* principle, upon all rights, property, and estate within said county, for the payment of the interest or the redemption of the principal of said bonds. And all persons holding said bonds shall, at any time within three years after the passage of this act, have the right to convert their amount into an equal amount of the capital stock of the railroad company to which said bonds may have been made payable; but for all such bonds as may be thus converted into capital stock, there shall be a reduction of an equivalent amount of the capital stock held by the county of Bourbon in the company to which said bonds were made payable.

Honor & property pledged for payment of said bonds.

§ 9. That as a further means and assurance for the redemption of said bonds, the said county court of Bourbon

Dividends to be invested.

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county shall make a safe investment of all dividends declared on the stock aforesaid, after the payment of all interest upon the bonds by which the stock on which such dividends are declared may have been paid, for the creation of a sinking fund, to be inviolably applied to the payment of said bonds.

Assessor may
be appointed.

§ 10. That the said county court shall have full power to appoint, if need be, an assessor or assessors of tax under this act, and to fix their compensation, or may use the books of the assessors of tax for state revenue; and to appoint a county treasurer or treasurers, who shall execute a bond, in a sufficient penalty, with good surety or sureties, payable to the commonwealth of Kentucky, and conditioned that he or they will faithfully and truly pay over, upon the proper order of the county court of Bourbon, to the railroad company or companies, or to the person or persons entitled to receive the same, all moneys which may come to his or their hands under the provisions of this act, and that he or they will do and perform all such act or acts as may be required of him or them by said court, in conformity therewith; and said court may fix his or their compensation.

When tax to
be paid.

§ 11. That any tax payer, under the provisions of this act, may pay his or her tax on or before the fifteenth day of September of each year in which the same is due, to the treasurer or treasurers of the county; and after that day shall have passed, it shall be the duty of the treasurer or treasurers to make out a correct list of all such tax payers, and their taxable property, as shall not have paid their tax, and deliver the same to the sheriff of the county for collection, the said treasurer or treasurers retaining a duplicate copy thereof, to be by him or them safely kept; and the sheriff shall collect and pay over the same to the treasurer or treasurers of the county on or before the first day of January thereafter; and he shall, in addition to the amount of each tax list, be entitled to collect and receive from each tax payer seven per cent. thereon, as a compensation for collecting the same; and all laws now in force for the collection of the state revenue and county levy, shall be applicable, so far as they can be, to the sheriff in the exercise of such duties, and for a failure to perform them, as are prescribed in this section.

Duty of clerk.

§ 12. That the clerk of the county court shall make out and deliver to the treasurer or treasurers of the county, in a reasonable time after his court shall order him to do so, a list of the tax payers, and their taxable property, under this act, for which he shall receive a proper compensation by order of court.

Vote may be
taken.

§ 13. That it shall be the duty of said county court of Bourbon, upon application, to make an order requiring the sheriff of the county to take the sense of the voters of the

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county upon the propriety of issuing the bonds of the county, and of subscribing the amount of said bonds as capital stock in said railroad companies, in accordance with the provisions of this act; by which order he shall be directed to open, and in pursuance thereof he shall open a poll in each voting precinct of the county, on a day to be fixed by the court, at which none but qualified voters shall be permitted to vote. Said court shall also appoint two competent judges and a clerk for each precinct, the judges to conduct, and the clerk to record the votes taken, each of whom shall be sworn to discharge the duties of his office faithfully and impartially; and it shall be the duty of the sheriff to make, within three days after the day the vote is taken, due return of the poll books, certified by the judges and attested by the clerk in proper form, to the clerk of the county court, who shall carefully preserve the same in his office. But before said vote is taken, due notice, by printed handbill, of the day on which it is to be taken shall be given, by posting up such handbill at three of the most public places in each of said precincts three weeks before such day, and by publishing said handbill in the Western Citizen for three several weeks successively before that day. And if, upon the return of said vote, it shall appear to the said county court that a majority of all the votes cast of the qualified voters of said county, has been cast in favor of issuing the bonds of the county, as aforesaid, and of subscribing their amount as capital stock in said railroad companies, and not otherwise, it shall be the duty of said court, and it is hereby required to carry the provisions of this act into effect, by a full and complete discharge of its various duties, as set forth in this act. And all laws now in force on the subject of elections, in relation to the duties of sheriffs and other officers conducting elections, and in relation to improper and illegal votes and voting, shall be and they are hereby made applicable, so far as they can be, to the vote to be taken under this section.

§ 14. That this act shall in no manner effect, alter, or change the chartered rights of the Maysville and Lexington railroad company, nor of any stockholder in said road; nor shall it give to the president and directors of said road any other power or discretion, as to the location of the route of said road, than that which is given them by the act incorporating said company.

Approved March 22, 1851.

CHAPTER 541.

AN ACT to incorporate Springhill Lodge, No. 139, at Crab Orchard.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the present members of Springhill lodge,

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No. 139, at Crab Orchard, and their successors, be and they are hereby created a body politic and corporate, by the name and style of Springhill lodge, No. 139, of free and accepted masons, with perpetual succession, and be capable of receiving and holding, by gift, grant, purchase, or devise, any number of acres of land not exceeding ten, and any kind and quantity of personal estate, and of selling, exchanging, and conveying the same at pleasure; of suing and being sued, and defending and being defended in any court of law or equity in this state; and may have and use a common seal, and the same alter or renew at pleasure.

§ 2. That C. C. Carson, H. P. Saunders, and John M. Smythe are hereby appointed trustees for said lodge, who shall hold their office until the 54th day of June, 1851, and until their successors be duly elected; and said lodge, on the 24th day of June, 1851, and on that day in every year thereafter, shall elect three of their body as trustees, whose term of office shall be one year, and until their successors are elected.

§ 3. That all the real and personal estate now belonging to said lodge shall vest in said trustees, as fully and completely as if acquired after the passage of this act.

§ 4. The trustees shall keep a record of their proceedings, make rules and by-laws for their own government; and in case of the death or removal of any of the trustees, the lodge may elect, at any stated meeting, one or more, as the case may be, to fill such vacancy or vacancies.

Approved March 23, 1851.

CHAPTER 545.

AN ACT granting the right of way and corporate privileges to the Clarksville and Hopkinsville Turnpike Company.

Road may be
made from state
line to Hopkins-
ville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the president and directors of the Clarksville and Hopkinsville turnpike company, operating under a general law of the state of Tennessee, passed February 7, 1850, and entitled, an act to authorize the formation of turnpike companies, shall have full power and authority to continue their turnpike or plank road, beginning at Clarksville, in Tennessee, and running to the state line in the direction of Hopkinsville, from the state line through the state of Kentucky to the town of Hopkinsville; that the president and directors of said company shall be a body corporate and politic, in fact and in law, by the name and style of the Clarksville and Hopkinsville turnpike company; and, by that name, shall have perpetual succession, with all the privileges and franchises incident to a corporation; and shall have the power of purchasing, taking, holding, selling, transferring, and conveying in fee simple all such lands, tenements, hereditaments, stock, and

estate, real and personal, as shall be deemed necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, by any agent, agents, or attorney, in any competent court in this commonwealth; and also, to use a common seal.

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§ 2. The president and directors of said company shall have full power and authority to take the consent, in writing, of any and all persons who may be so disposed, to grant the right of way for said turnpike or plank road, and the use of rock and timber for building the same, which being once given shall be binding to all intents and purposes. They may agree with and appoint such surveyors, engineers, superintendents, artists, and officers as they may judge necessary to carry on the contemplated work, and to fix their salaries and wages; to prescribe the time, manner, and proportion in which the stockholders shall make payment on their respective shares, to carry on said work; to draw orders on the treasurer of said company for all moneys necessary to pay the salaries or wages of persons employed, and for labor and materials furnished; and may do all such other things and matters as they shall be required to do by the charter and by-laws of said company, not inconsistent with the constitution and laws of this state.

May take release of right of way.

§ 3. That the president and directors of said company shall have the power, and are hereby authorized, together with the surveyors, engineers, artists, and chain carriers, to enter in and upon the lands and enclosures, public roads, and highways, in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground for the purposes here intended; and they shall locate said road on the best route, according to their discretion: *Provided*, they shall not be required to survey more of said road than they have stock to complete subscribed, and may stop their work at any point where their stock is expended.

May survey, locate, and construct said road.

§ 4. That it shall be lawful for said president and directors, or their agents or workmen, to enter with tools, instruments, carts, wagons, and other carriages and beasts of draught and burden, upon the lands contiguous and near to which said road shall pass, as well as through and on such as it is and may be located, and to use such rock, quarries, timber, and other materials as may be found necessary to complete and repair said road, with right of way thereto: *Provided*, that if the owners or agents shall not agree with said president and directors as to the damages which he or she may consider themselves entitled to, then it shall be the duty of said president and directors, before using any land or materials, to make application to the Christian county court for a writ of *ad quod damnum*, to

Right of way, how to be acquired.

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assess the damages which may be sustained; and the jury, in assessing the damages, shall take into consideration the advantages resulting to the party claiming damages, by the establishment of said road: *And, provided further*, that either party feeling aggrieved by finding of the jury impaneled under said writ, may appeal to the circuit court for said county, first giving bond with good security for the payment of the costs and damages, if any, which may be assessed against them by said court.

§ 5. The width and grade of said road shall be the same as on that portion of it between Clarksville and the state line.

Rates of toll

§ 6. The rates of toll, the distance between toll gates, the penalty for charging greater rates of toll than allowed, the penalty for not keeping the road in repair and good order, the penalty for avoiding tolls, and the penalty for obstructing said road by nuisance or otherwise, shall each be the same as now prescribed by the charter from Tennessee, under which said company is now acting; and such penalties shall be recoverable by due course of law in any competent court in this commonwealth: *Provided*, that said company may erect gates at distances of not less than two and a half miles, and at such gates collect half tolls.

§ 7. In all other things said turnpike company shall be governed by the act, passed by the state of Tennessee, March 7, 1850, entitled, an act to authorize the formation of turnpike companies, and the same, so far as it may be applicable to said Clarksville and Hopkinsville turnpike company, and not inconsistent with the constitution and laws of this state, is hereby adopted as part of this act: *Provided*, that the general assembly reserves the right to alter or amend this act at pleasure.

Approved March 22, 1851.

CHAPTER 546.

AN ACT to incorporate the town of Raleigh, in Union county.

Trustees to be
elected annually

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the free white male inhabitants of the town of Raleigh, in the county of Union, that are over the age of twenty-one years, and the owners of lots in said town being free white persons, to meet at the house of Alfred Richardson, or some other convenient house in said town, on the second Monday in July, 1851, and on the same day in every year thereafter, and proceed to elect five trustees for said town, who shall be residents of the same, who shall hold their office for one year next after their election, and until their successors are duly elected and qualified; which elections shall be had under the supervision of any justice of the peace

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of said county; and said trustees, so elected, before they enter on a discharge of their duties, shall take an oath before some justice of the peace, well and truly to perform their duty as trustees of said town, according to the best of their skill and judgment; and said trustees, and their successors, shall be a body politic and corporate, and, by the name and style of the trustees of the town of Raleigh, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law and equity, and shall have power to pass all necessary by-laws and ordinances for the improvement, regulation, well being, and the advancement of the interest and the morals of said town: *Provided*, the same shall not be inconsistent with the laws and constitution of this commonwealth.

§ 2. That said trustees shall be authorized to receive, by purchase or donation, any lot or lots of ground in or near said town, for the purpose of the erection of a market house, school house, meeting house, or any other necessary public building, and may order, provide for, and contract for the erection of the same; and they shall have power to assess a poll tax on the legal titheables of said town, not exceeding fifty cents on each, and an *ad valorem* tax on the real, personal, and mixed estate within said town that is now taxed by the revenue laws of this commonwealth, not exceeding fifty cents on each one hundred dollars worth of property, each year. Said trustees shall have power to contract for the digging of wells, the improvement of springs, the grading and improvement of the streets, alleys, and river banks, and the paving the same; to levy and collect a tax on all shows and exhibitions of every description, shown or exhibited within said town, or within one-half mile of the same; they shall have power to pass by-laws suppressing the running of horses, shooting, or any other disorderly conduct or practice within said town, within any boat or water craft lying on the river at the landing on the border of said town; and for a breach or violation of any of the ordinances or by-laws of this corporation, the trustees may have and maintain an action therefor, in their name, before any justice of the peace within this commonwealth, against the offender. Said trustees shall appoint a chairman who shall preside over their deliberations, keep order, call a meeting of the board at any time. A majority of the board shall have power to transact business.

Powers & duties of trustees.

§ 3. Said board shall elect a clerk, who shall continue in office one year, or until his successor is duly appointed and qualified, who shall preserve the papers of said board, and record their proceedings.

§ 4. That said board shall have power to appoint an assessor to assess the property and persons of said town liable to taxation, and to fix his compensation for his services;

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and shall have power to appoint a collector, who shall collect the tax levied on said town, by distress or otherwise; and before said collector shall enter upon his duties, he shall execute bond before said trustees, and payable to them, in such penalty as said board shall prescribe, with good security, conditioned to collect said tax and pay the same over to said trustees, or to such persons as they shall direct; and for any breach of the condition of said bond, said trustees shall have the right to sue on said bond, or sustain a motion against said collector, before a justice of the peace, or any court having jurisdiction thereof; and if a judgment shall be recovered against said collector, or his securities, the justice or judge of said court shall also render judgment for the amount found due, with per cent. thereon, besides costs.

§ 5. That said board shall have power to appoint a treasurer, and all other subordinate officers, and prescribe their duties; fill all vacancies that may occur by death resignation, or a refusal to act. The legislature reserves the power to repeal, modify, or amend this charter at pleasure.

Approved March 22, 1851.

CHAPTER 548.

AN ACT for the benefit of Aaron Dawson, Edward McClure, and John L. McCann.

Be it enacted by the General Assembly of the Commonwealth of Kentucky. That Aaron Dawson, of Larue county, Edward McClure, of Grant county, and John L. McCann, of Henry county, be each allowed the privilege of trading in goods, wares, and merchandise within this state, without incurring the penalty imposed by law for peddling without license: *Provided*, that they shall not exercise the privilege herein granted for the benefit of any other person or persons whatsoever, either directly or indirectly: *And, provided further*, that they shall not be allowed to traffic in ardent spirits; and shall be subject to all penalties imposed by law for unlawfully dealing with slaves.

Approved March 20, 1851.

CHAPTER 549.

AN ACT to amend the charter of the Covington and Lexington Turnpike Road Company, and to incorporate the Georgetown and Dry Ridge Turnpike Road Company as a separate and independent company.

Whereas, by an act of the general assembly of the commonwealth of Kentucky, approved February 23, 1839, the Covington and Lexington turnpike road company was divided and formed into two separate companies, for the

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purpose of constructing said road; and whereas, the stockholders residing south of Williamstown were authorized to elect a board of directors to have the control and superintendence of construction of the road to be located and constructed between the towns of Georgetown, in Scott county, and Williamstown, in Grant county; and the stockholders residing north of Williamstown were empowered, also, to elect a separate board of directors for the purpose of controlling and superintending that portion of the road extending from Williamstown to Covington; and whereas, each board, so chosen, was given the entire and separate control over the portion of road under its superintendence, but providing that after the completion of the road the stock of said road shall be and continue joint and common to all the stockholders; and whereas, the company north of Williamstown have completed the construction of the portion of road under its control and management, and will have paid for the same in the course of the present year; and whereas, the company having charge of the road south of Williamstown has failed, for want of means, to construct a part of the road under its charge and management, and is, also, so much in debt that there seems to be no reasonable expectation or probability that the road under its control will ever be made, as the law now stands. Therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for that portion of the Covington and Lexington turnpike road company having control of the road north of Williamstown, to take charge of the construction and management of the unfinished road south of Williamstown, the same being between twelve and thirteen continuous miles nearest Williamstown, and thenceforth to own, possess, and manage the same: *Provided*, the said company north of Williamstown shall cause the same to be made and completed in three years from the first day of June, 1851.

§ 2. That so much of the second section of said act to amend the charter of the Lexington and Covington turnpike road company, as declares that the stock in said road shall continue joint and common to all the stockholders, after the completion of said road, is hereby repealed; and the stockholders whose stock is now under the control and management of the board of directors having control of the road north of Williamstown shall be and are hereby constituted a separate and independent company, under the name and style of the Covington and Lexington turnpike road company, who shall be and forever remain separate and independent of that portion of said company owning the stock in the road now constructed south of Williamstown; and the stockholders whose stock is now under the control and management of the board of directors

Who to manage road south of Williamstown.

Part of act incorporating said company repealed.

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having the control and construction of the road south of Williamstown, shall be and are hereby constituted a separate and independent company, under the name and style of the Georgetown and Dry Ridge turnpike road company, who shall be and forever remain separate and independent of that part of said company owning the stock in the road north of Williamstown; and that neither of said companies, thus formed, shall be held as in any wise responsible for actings or doings of the other; but each shall have the exclusive ownership and control of that portion of road which they have respectively made; or, under the provisions of this act, shall make, and shall have full power and authority to elect its own president and directors, to declare its own dividends, and pay the same to its own stockholders; each company possessing and retaining all the powers, rights, and capacities in severalty granted by the act of incorporation, and the amendments thereto, to the original company, and subject to all the restrictions to which said company is subject, not inconsistent with the provisions of this act; and that neither company shall be in any wise liable for the debts or contracts of the other now in existence, or which may be hereafter made or contracted.

§ 3. That for the purpose of enabling the respective companies to carry out the chief objects of this act, to-wit: the completion of the whole line of road, and the payment of the debts of the respective companies, that the provisions of an act to amend the charter of the Covington and Lexington turnpike road company, approved January 29, 1848, be extended until the whole road is completed.

When this act
to take effect.

§ 4. That this act shall be in force as soon as the consent of a majority of the stockholders of each company, in attendance at authorized meetings of the respective companies, to be held on the third Monday in April next, shall be given to the provisions of this act; of which meetings the respective boards of directors shall give at least three weeks' notice—the board north of Williamstown by advertising the same in at least one paper published in Cincinnati and one in Covington, and the board south of Williamstown by advertising the same in at least one paper published in Georgetown and one in Lexington; at each of which meetings two judges and a clerk shall be appointed by the stockholders in attendance, who shall cause a copy of this act to be read to the stockholders there present, and then proceed to take the vote for and against adopting the provisions of this act; in taking which vote, the same regulations shall be observed that are required by the charter of the company in electing the president and directors of the company. Upon counting the votes

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at said election, if a majority of the votes cast of the stockholders in attendance, or represented, shall be in favor of adopting the provisions of this act, then the same shall be certified by the judges and clerk of the election, under oath, to the auditor of public accounts and the president of the board of internal improvements, and this act shall be in full force and effect, but not otherwise.

Approved March 22, 1851.

CHAPTER 554.

AN ACT regulating the duties of the Clarke County Court, and the appointment of the County Treasurer.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in laying the levy, the Clarke county court shall impose a poll tax of twenty-five cents, and no more, on every free white male inhabitant, and every free male negro or mulatto man, living in said county, and of the age of twenty-one years; and the residue of the money requisite to the payment of the claims allowed, and appropriations made by said court shall be levied by an *ad valorem* tax, to be fixed by reference to the taxable property of said county as reported in the commissioner's book for the current year; but said court may relieve, for any charitable reason, as heretofore, any of the persons so charged with said poll tax; and for collecting the amounts so levied, the sheriff or other collector shall be allowed a commission of three per centum.

§ 2. That said county court shall, at the court of claims and appropriations, appoint the county treasurer, a majority of the members of said court concurring, for the term of one year, and until the appointment and qualification of his successor.

§ 3. That in regard to any claim or appropriation allowed or made by said court, the votes of the members of the court shall be stated on the record, at the request of any one of the members.

Approved March 22, 1851.

CHAPTER 555.

AN ACT to amend an act, approved January 29, 1846, incorporating the town of Hillsboro', in Fleming county.

Whereas, it is represented to this general assembly that the citizens of the town of Hillsboro', in Fleming county, had failed to comply with the act incorporating said town, in the election of trustees, and that doubts exist as to the validity of the official acts of the present trustees. For remedy whereof,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election of the present trustees of the town of Hillsboro,' and all their official acts, made in pursuance of the act incorporating said town, approved January 29, 1846, are hereby declared valid; and, hereafter, the trustees of said town shall be elected on the second Saturday in April in each year.

Approved March 22, 1851.

CHAPTER 556.

AN ACT to establish the town of Lovelaceville, in Ballard county.

Boundaries
established.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Lovelaceville, in Ballard county, which has been laid off by John Hardin, surveyor, upon the lands of Andrew Lovelace, shall be and the same is hereby established upon the plan laid down by said Hardin and the proprietor thereof: *Provided*, that the upper cross street, running east and west in said town, shall be thirty-three feet wide.

Trustees to
manage affairs
of said town.

§ 2. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in a chairman and four trustees, who shall be elected annually, on the first Monday in June, by the free white male inhabitants over the age of twenty-one years, and who have resided six months in said town previous to such election, and shall hold their offices for one year, and until their successors are elected and qualified. The trustees shall possess the same qualifications as a voter; and, before entering upon the duties of their office, shall take an oath before some justice of the peace of Ballard county, faithfully to perform said duties. All vacancies in the trustees of said town shall be filled by the remaining trustees.

Trustees, their
powers.

§ 3. That said chairman and trustees, and their successors in office, shall be a body politic and corporate, to be known by the name and style of the chairman and trustees of the town of Lovelaceville; and, by that name, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, in any court in this commonwealth.

Further duties
and powers.

§ 4. That said chairman and trustees shall have power over the streets in said town; may direct the improvement of the same, in such manner as they may deem most beneficial to the interests of said town; they shall have power to levy and collect a tax upon the property and citizens of said town, not exceeding twenty-five cents on each one hundred dollars' worth of property, and one dollar and fifty cents on each tithe; they shall have power to declare what are nuisances within said town, and, by their order,

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may direct the same to be abated, or may, by their by-laws, impose a fine on any person or persons who may have caused the same, in any sum not more than ten dollars. It shall be their duty to appoint a treasurer, clerk, and marshal for said town, and take from them, respectively, bond, with security, payable to the commonwealth of Kentucky, in such penalty as the chairman and trustees shall direct, conditioned for the discharge of their respective duties; and for a violation of duty on the part of either of said officers, motions may be made, or suits brought before any tribunal having jurisdiction thereof, in the same manner, and under the rules and regulations that motions are made or suits brought against sheriffs, constables, or other officers for failure of duty; they shall have power to remove any of said officers on their failure to discharge their duty; and said officers, before they enter on the duties of such offices, shall take an oath before said chairman for the faithful discharge of their respective duties.

§ 5. It shall be the duty of the treasurer to render to said chairman and trustees an account of all money received and paid out by him, whenever by them requested so to do; and no money shall be paid out by him except by order of said chairman and trustees, or a majority of them; said chairman and two trustees shall be sufficient to do business, or, in the absence of the chairman, three trustees, one of whom shall act as chairman *pro tempore*.

Treasurer's duty

§ 6. That it shall be the duty of the marshal of said town to collect the taxes of said town, and make due returns thereof to said chairman and trustees, and to return the delinquents. It shall be his duty to pay over the money, so by him collected, to such person or persons as said chairman and trustees may direct.

Duty of marshal

§ 7. That it shall be the duty of the clerk, appointed by said chairman and trustees, to keep a true record of the proceedings of the board, which shall be signed by the chairman; and said board may allow the several officers appointed by them such compensation for their services as they may deem just and proper.

Duty of clerk.

§ 8. That Joseph Ashbrook, J. B. Nuckolds, and J. B. Ross, or any two of them, are authorized to hold an election, in said town, of a chairman and four trustees, on the first Monday in June, 1851; and it shall be the duty of the chairman and trustees of said town to appoint suitable officers to hold an election, in said town, of a chairman and trustees, according to the foregoing provisions.

Approved March 22, 1851.

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CHAPTER 557.

AN ACT to amend an act, entitled, an act to incorporate the Sardis Turnpike Road Company, approved March 1, 1849.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following named persons, and all those living with them, or on their farms as tenants, or otherwise, subject to pay tax for working the public roads in the county of Mason, shall pay to the president and directors of the Sardis turnpike road company the road tax which they are now bound to pay, or which they may hereafter be bound to pay, in the way and manner now provided by law for working public roads in Mason county, to-wit: George Riley, William P. Fox, Benjamin Warder, Elizabeth Warder, Miles C. Drake, Milton Johnson, Cornelius Drake, Thomas Small, Joseph Colwell, Henry Alexander, for the farm on Shannon which said road passes through, Edward Hord, George A. Dye, James Arthur, William Forman, Jesse Jefferson, William Watson, and all persons living on said farms now, or who may hereafter live on them.

§ 2. That it shall be the duty of the president of said company to call on the proper clerk of the county of Mason, whose duty it shall be to make him out a full and fair list of all persons subject to pay road tax, as aforesaid; and said president shall, from time to time, call on said clerk for a list of all such persons, and the amount of said tax each is bound to pay therefor; and, in collecting said tax, in labor or in money, said president shall be governed, in all respects, by the laws now in force regulating the working of the public roads in Mason county.

Approved March 22, 1851.

CHAPTER 558.

AN ACT to amend an act incorporating the Newtown and Leesburg Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the president, directors, and company of the Newtown and Leesburg turnpike road company be and they are hereby authorized and permitted, in the construction of said turnpike road, to cause that part of it covered by stone to be made not less than fifteen feet wide, instead of the width required by the original charter.

§ 2. That so soon as the said president, directors, and company shall have completed four miles of said road continuously, they shall call on three justices of the peace for Scott county, who are not interested in the stock of said company, to examine the work; and if they shall certify that the work has been made in conformity with the provisions of the charter and of this amendment, the certificate shall be recorded in the clerk's office of the Scott coun-

ty court; and the said president, directors, and company may, thereupon, cause a toll gate, or two half gates, to be erected at such points as they may think proper on said road, and may collect the tolls and dues granted by law to said company.

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Approved March 22, 1851.

CHAPTER 559.

AN ACT to prevent the destruction of fish in Floyd's Fork.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any person to erect or fix, in the waters of Floyd's fork, within the county of Jefferson, any dam or hedge, or any other obstruction to the free passage of fish in said stream; or to place any set net or fish trap, or drag any seine or bush drag therein; and hereafter every such obstruction shall be deemed a nuisance; and whosoever shall cause the same to be made, or be guilty of any of the acts aforesaid, shall forfeit and pay the sum of five dollars for every such offense, and the sum of ten dollars for every twenty-four hours he shall such suffer obstruction to remain in said stream, as aforesaid, recoverable by warrant before any justice of the peace—one moiety of which shall go to the informer, and the other to the use of the county—and shall, moreover, be liable to the party aggrieved: *Provided*, that nothing in this act shall be construed to prevent the establishment of any mill or machine for the public use upon said water course, within the county aforesaid, according to existing laws.

Approved March 22, 1851.

CHAPTER 560.

AN ACT to amend the charter of the Versailles and Shryock's Ferry Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the capital stock of said company be increased to fifteen thousand dollars.

§ 2. That the twelfth section be so amended as to allow the company the power to erect a second toll gate near the Kentucky river, when said road is completed, with half tollage at each gate.

§ 3. That the thirteenth section be so amended that said road may be less than forty feet, but not less than thirty feet in width, at the discretion of the president and directors of said road.

§ 4. That the laborers upon said road, in the construction thereof, shall have a lien upon the estimates in the hands of the treasurer, for their services.

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§ 5. The stockholders in said road, failing to pay their calls when due, shall pay twelve and a half per cent. per annum thereon until paid.

Approved March 22, 1851.

CHAPTER 561.

AN ACT to amend the charter of the Augusta, Cynthiana, and Georgetown Turnpike Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate the Augusta, Cynthiana, and Georgetown turnpike company, approved February 28, 1835, be and the same is hereby so amended as to allow said company the right to construct such part or parts of said road of plank or gravel, as they may deem advisable and expedient.

§ 2. That said company may, at any time they think proper, let out and put under contract so much of said road as runs from the town of Brooksville to the county line of the counties of Bracken and Harrison.

Approved March 22, 1851.

CHAPTER 563.

AN ACT to amend an act, entitled, an act to incorporate the town of Lancaster.

Part of act of
1845 repealed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first section of an act, approved February 7, 1845, repealing the sixth section of an act, entitled, an act to incorporate the town of Lancaster, approved February 23, 1837, be and the same is hereby repealed.

Act of 1837 in
force in part.

§ 2. That the sixth section of an act to incorporate the town of Lancaster, approved February 23, 1837, is hereby declared to be in force, except so far as it gives the governor the power to appoint a police judge of said town.

Police judge
to be elected.

§ 3. That a judicial officer, styled the police judge of the town of Lancaster, shall be elected by the citizens of said town, who are entitled to vote for trustees thereof, on the first Monday in April, 1851; said election to be held in the same place, and in the same manner as that of trustees; and the judge, so elected, shall continue in office until the first Monday in January, 1855, and until his successor shall be qualified. The clerk who conducts the election for the purpose of electing a police judge, shall return the poll book to the clerk of the Garrard county court, who shall keep and preserve the same in his office. It shall be the duty of the clerk of said court to certify to the governor the person who receives the greatest number of votes, and the

governor shall commission the person, so elected, police judge of said town.

§ 4. The persons entitled to vote for trustees of said town shall, on the first Monday in January, 1855, and on first Monday in January every fourth year thereafter, elect a police judge of the town of Lancaster, who shall be commissioned by the governor, and continue in office four years, and until his successor shall be elected and qualified. The certificate of the clerk of the Garrard county court, with whom the poll books shall be deposited, shall be sufficient evidence of the election of the police judge, and the governor shall issue a commission on the faith thereof.

§ 5. That on conviction of any person or persons for a violation of the by-laws and ordinances, passed by the president and the board of trustees of the town of Lancaster on the 24th day of April, 1847, the police judge of said town shall be required to issue a *capias pro fine*, against all persons so convicted, and shall indorse thereon, that in default of payment, the person or persons so convicted shall be imprisoned in the jail of Garrard county, at the rate of six hours for every dollar, and in like manner and proportions for the cost of the proceeding.

§ 6. That an act, entitled, an act concerning the town of Lancaster, approved February 5, 1849, is hereby repealed, so far as it gives jurisdiction to any justice of the peace for Garrard county to try persons for a violation of the by-laws and ordinances enacted, and thereafter to be enacted by the president and board of trustees for the town of Lancaster: *Provided*, that an appeal may be prosecuted from the judgment of the police judge, in all cases where it could have been done if the jurisdiction had remained.

§ 7. That all persons charged with a violation of any of the by-laws or ordinances of said town, shall be summoned by a warrant, directed to the marshal or constable, to appear before the police judge of said town, who shall proceed to trial, unless good cause be made out for a continuance; and immediately after trial, if the person or persons charged be convicted, the said judge shall issue a *capias pro fine* to the marshal or constable: *Provided*, that the defendant or defendants in any *capias pro fine*, for a violation of any of said laws, shall have the same right to replevy as defendants in like cases have, where said precepts issue from circuit courts.

§ 8. That all *capias pro fines* or executions issuing from the police judge to the marshal or constable, shall be made returnable in not less than thirty nor more than ninety days; and the marshal or constable, for failing to act on and return said precepts, shall incur the same penalties imposed on constables for failing to act on and return executions under the laws now in force.

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Subsequent elections of police judge.

How violation of town ordinances to be punished.

Part of act of 1849 repealed.

Proceedings for violation of ordinances.

When process to be returnable.

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How town tax
to be collected.

§ 9. That if any person shall fail to pay any tax by the 15th day of April, after the same shall have been levied by the president and the board of trustees of said town, the marshal shall demand the same, and tender a receipt therefor; and if it is not then paid, it shall be the duty of the police judge to issue a warrant against each delinquent, summoning him or them to show cause why judgment shall not be rendered against him or them for such tax; and if it appears that the same had been duly levied, and remains unpaid, he shall render judgment thereon, and issue execution for the same, with cost; and all property that the defendants in such executions may have liable to the payment of the revenue of this state, shall be liable to levy and sale under such executions, and the defendants shall not have the right to replevy the same.

§ 10. That in all cases where the fees of the police judge and marshal are not specified, the judge shall have the same fees as are allowed justices of the peace, and the marshal shall have the same as are allowed constables, for like services.

§ 11. That hereafter all fines and forfeitures, for which judgment shall be entered by the police judge of said town, shall be paid by the officer collecting the same, to the treasurer of the board of trustees, and shall be used by the trustees for the benefit of said town.

Approved March 22, 1851.

CHAPTER 570.

AN ACT to incorporate the Owenton and Scott county line Turnpike Road Company.

Company
formed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name and style of the Owenton and Scott county line turnpike road company, for the purpose of constructing an artificial McAdamized road from the town of Owenton, Owen county, beginning at its northern limit, to the Scott county line, in the direction of the Stamping Ground; and that the capital stock of said company shall not exceed forty thousand dollars.

Books to be
opened for the
subscription of
stock.

§ 2. That books for the subscription of stock in said company shall be opened on the first Monday in June next, or as soon thereafter as may be convenient, at Owenton, under the direction of A. P. Grover, James Vallandigham, B. Haydon, Lewis White, and A. G. Rice, who are hereby appointed commissioners for that purpose. That the commissioners shall take from each and every person subscribing for stock in said company, in a book provided for that purpose, the following obligation, viz: "We, whose names are hereunto subscribed, promise to pay to the president

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and directors of the Owenton and Scott county line turnpike road company the sum of fifty dollars for every share of stock in said company set opposite our names, in such manner and proportion, and at such times as we may be required by the president and directors of said company. Witness our hands this day of 18 .”

§ 3. That so soon as the sum of ten thousand dollars shall have been subscribed, the said commissioners shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and seven directors, who shall hold their office for one year, and until others are duly qualified. That said president and directors who shall be elected as aforesaid, and their successors, shall be a body politic and corporate, under the style of the Owenton and Scott county line turnpike road company; and, by said name, said company shall have perpetual succession, with all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase thereof, and of purchasing and holding to themselves and their successors, and of selling, transferring, and conveying, in fee simple, all such tenements, and hereditaments, and estate, real or personal, as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, and answer and be answered, in all courts of record; also, to have a common seal; and to do all other acts which a corporation might lawfully do.

When the company may be organized.

§ 4. That it shall be lawful for said president and directors to order and establish such by-laws as may be necessary for the benefit of the corporation; to appoint a treasurer, and to employ such artists, engineers, and other officers as may be necessary to carry on the contemplated work.

May enact by-laws, &c.

§ 5. That said road shall be leveled and graded twenty feet in width, and its greatest elevation shall not exceed four degrees; that the part of it covered with McAdamized stone shall not exceed fifteen feet, and be fully nine inches in depth.

Width & grade of the road.

§ 6. That the president and directors of said company shall fix the location of said road on such route as they, in their judgment, deem best.

§ 7. That so soon as four continuous miles of said road shall be completed, the said president, directors, and company shall call on three justices of the peace in the county, who are not stockholders in said road, to examine the work; and if they shall certify that said work has been made in conformity to the provisions of this act, the certificate shall be recorded in the office of the county court clerk; and the president and directors may cause a toll gate to be erected at such point as they may think proper, on said road, and

May erect toll gates & collect tolls.

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May appoint
toll-gatherers.

may collect the tolls and duties herein granted to said company.

§ 8. That when the said gate or gates are erected, as aforesaid, it shall be lawful for the president and directors to appoint as many toll-gatherers as they may deem requisite; and it shall be lawful for the said toll-gatherers to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep, hogs, sulky, chair, buggy, cart, wagon, or other carriage of pleasure or burthen, from passing through said gate or turnpike, until they shall have paid toll agreeably to the following rates, viz: for every horse or mule and rider, one cent per mile; for each horse, jack, or mule led or driven, three cents for each gate of four miles; for each head of cattle, two cents; for each head of swine, one-half cent; for each head of sheep, half cent; for each cart, gig, or buggy drawn by one horse or mule, ten cen cents; for each dearborn, barouche, family carriage, or buggy drawn by two horses or mules, twenty cents; for each hackney coach or stage drawn by two horses or mules, twenty-five cents; for each sleigh, five cents; for each pleasure carriage drawn by four horses or mules, thirty cents; for each wagon drawn by three horses, mules, or oxen, thirty cents; for each wagon drawn by four horses, mules, or oxen, forty cents; and for each additional animal added, ten cents additional tax may be exacted; for each stage coach for six passengers only, thirty-five cents; and for every additional passenger, five cents may be charged; and for every vehicle of any kind, with seats inside for more than twelve passengers, one dollar; for a dray or cart drawn by one horse or mule, ten cents; and for each additional animal added, five cents additional tax shall be charged; and it shall be the duty of the company to keep printed lists of the above rates posted up at each gate.

Penalty for e-
tading toll gates

§ 9. That if any person liable to pay toll, as aforesaid, at either of the toll gates erected in pursuance of the above recited provision, shall, with intent to defraud the company aforesaid, pass through any private gate, fence, or bars, or along or over any ground or land near to or adjoining any turnpike or gate, with intent aforesaid, or shall take or pass any stock or other thing upon which toll is liable to be collected, with intent to lessen or evade such toll or duty, or shall practice any other fraud or device, or use force, such person shall be liable to a fine of not less than one dollar nor more than five dollars for every such offense, together with the tolls which such offender should have paid, to be recovered before any justice of the peace as other debts of like amount.

A list of re-
ceipts & expen-
ditures to be
kept.

§ 17. That the president and directors shall keep a fair account of all receipts and expenditures of the company, which shall at all times be open to the inspection of any

stockholder at their general meetings. They shall, at the end of every six months after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders: *Provided, however,* that if the net proceeds of said tolls, at the rates herein allowed, shall not produce a dividend of five per centum per annum, net profits on the costs of said road, the same may be increased so as to produce five per centum per annum; and if the rates shall be found in any year to produce more than twelve and one half per centum net profits, they shall be reduced so as that the net profits shall not exceed the sum last named.

§ 11. That the president and directors shall take bond, with good security, from the gate keepers, and any other persons employed by them, for the faithful discharge of the duties assigned them, respectively; which bonds they may cause to be renewed whenever they may deem it necessary, payable to the president, directors, and company aforesaid.

*Bond from toll
gatherers to be
taken.*

§ 12. That whenever any four continuous miles of said road shall be completed, the said president, directors, and company may contract for, purchase, and hold to themselves, and their successors in office forever, any quantity of land not exceeding one acre, at the site of each toll gate erected on said road, agreeably to the provisions of this act; and if they cannot agree for said land, at the respective gates, with the owner or owners thereof, they are hereby authorized to possess themselves thereof, by application to the judge in the district where said land lies, he being governed by the law, in such cases, as is laid down in the Nicholasville, Lancaster, and Danville turnpike road company, approved February 22, 1834: *Provided, however,* that in the selection and appropriation of land, under this section, the said president, directors, and company shall not include the dwelling house, out house, or gardens of any persons, without their consent; and shall not so locate the lands aforesaid as to prevent the owner or owners of the adjacent land from access to said road on either side of any gate, to which they would have had access if such location had not been made.

*May hold land
for toll gates, &c.*

§ 13. That so soon as the president, directors, and company shall have located said road, they shall be authorized to receive the written consent of any of the landholders through which the road may pass, and the grant of the right of way, lumber, stone, soil, and timber to make said road, and keep the same in repair; which consent, when so given, shall be valid to all intents and purposes.

*May acquire
right of way.*

§ 14. That the presiding judge of Owen county, a majority of all the justices of said county being present and concurring, may subscribe for any number of shares in stock in said road, not exceeding one hundred, the same to

*Owen county
court may sub-
scribe stock.*

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County court
to levy a tax to
pay said sub-
scription.

be subscribed for upon the order of the said presiding judge ; and when subscribed for, the subscription shall be binding on the said county of Owen.

§ 15. That, to enable the presiding judge to pay whatever amount of stock he may subscribe for, as aforesaid, he is hereby authorized, a majority of the justices of the county being present and concurring, to levy a tax upon all the estate subject to revenue tax within the limits of said county, not exceeding five cents on every one hundred dollars thereof in any one year, which shall be collected by the sheriff of the county, and be by him paid over to the treasurer of said turnpike road company on or before the 1st day of January next succeeding, the day when the same shall be put into his hands for collection ; and for a failure to collect and pay over the tax aforesaid, he shall be liable, and shall be subject to the same proceedings, by motion or otherwise, to which he is now liable and subject by law for a failure to collect and pay over the revenue tax ; such proceedings to be had in the name of said turnpike company, in the Owen circuit court.

Who exempt
from paying toll

§ 16. That nothing in this act contained shall be so construed as to impose toll fees upon the owners of land through which said road shall pass, their horses, cattle, or servants, passing on said road from one part of their farm to another, or to impose toll fees upon venire men and grand jurors of the same county, passing to and from court to which they are summoned, or persons passing to or from any funerals or with any funeral procession ; nor shall any toll be imposed upon any citizens of the county while going to and returning from the general elections in said county ; nor upon militia on days of muster, or attending court of assessment, in pursuance of their duty ; nor upon persons going to or returning from a neighboring place of worship in the county on the Sabbath ; but all such persons, for the time being, with their vehicles, shall pass free of toll.

Approved March 22, 1851.

CHAPTER 571.

AN ACT to incorporate the Owensboro' Building Company.

Company form-
ed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Weir, Thomas W. Watkins, of N., Samuel M. Wing, Junius B. Alexander, and William H. Decker, and their associates, be and they are hereby created a body corporate and politic, for the purposes hereinafter named, and, as such, shall have perpetual succession, under the name and by the style of the Owensboro' building company ; and, by that name, shall have all the privileges and franchises incident to corporations of a like character ; and shall be capable of creating, taking,

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and holding their capital stock, and the increase and profits thereof; and of purchasing, taking, and holding to them, their successors and assigns, and of selling, transferring, leasing, and conveying in fee simple, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary to them for the purposes and objects of this act of incorporation; and further, shall be able and capable to sue and be sued, defend and be defended, answer and be answered, in any court of law or equity whatever having jurisdiction of like cases; and, also, to have a common seal, and generally to do all and every act, matter, or thing which a body politic or corporate may do.

§ 2. That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each; which stock shall be considered and held as personal property, and may be sold and transferred as such, in such manner as the president and directors, hereinafter provided for, may direct.

Capital stock.

§ 3. That the persons named in the first section of this act shall be and they are hereby appointed commissioners for the purpose of opening books and receiving subscriptions of stock in said company; and they, or any three of them, so soon as practicable after the passage of this act, may open books, from time to time, in the town of Owensboro', and such other places as they may deem expedient, for the subscription of stock: *Provided*, that notice be given at Owensboro', and such other place or places as they may deem expedient, twenty days previous to the time and place of opening said books: *And, provided further*, that said commissioners may close said books as soon as five thousand dollars in stock shall be subscribed.

Commissioners.

§ 4. That when five thousand dollars of the capital stock in said company shall be subscribed, it shall be the duty of said commissioners, who have acted in receiving subscriptions of stock, to give twenty days' notice, at the places named in the third section of this act, of the time and place of holding an election for five directors of said company; which directory shall be elected from amongst the stockholders; and each stockholder shall have one vote for each share he may own in his own name; and should an election of directors not take place agreeably to the first notice hereby authorized to be given, another notice may be given, from time to time, until an election shall have taken place.

When directors may be elected.

§ 5. That said directors, as soon as practicable after their election, shall organize by electing one of their own body as president, and a treasurer and a secretary, the two latter of whom shall take an oath faithfully to discharge their duties; and said president and directors shall manage the financial and prudential concerns of the company, and shall hold their offices two years, unless they, or any of

President to be elected.

1851.

them, sooner resign, die, or cease to be stockholders; and all vacancies shall be filled by the remaining members of the board, a majority concurring therein; and every two years from the day of the first election, another election shall be holden for five directors aforesaid: *Provided*, this corporation shall not cease to exist by reason of a failure to hold an election; but the directors then acting shall continue until their successors are chosen and organized.

May purchase
land and erect
buildings, &c.

§ 6. That the said company shall have power to purchase grounds in the town of Owensboro' and erect and establish storehouses, taverns, dwelling houses, &c., with all the appendages, and to furnish the same in such style and manner as they may deem proper, and may employ such agents and servants as may be necessary for the well management of the same, or may lease the same as taverns, storehouses, dwelling houses, &c.; and may, also, erect all such out houses, stables, and carriage houses as they may deem necessary: *Provided, however*, that said company shall be liable to pay to the state and to the town of Owensboro' such taxes for said tavern and other houses as other tavern and similar houses in the town may be charged for a license; and shall be liable, in every respect, to taxation by the state, in the manner and to the same extent as buildings of like character are, and also be liable, in all respects, as such buildings are by the laws of the state.

Books may be
re-opened.

§ 7. That after said directors are elected, and the board organized, they may again open books for the subscription of stock, and keep them open as long as they may deem proper, for subscription, until the whole of the capital stock herein authorized shall be taken.

Shall keep a
record of their
acts.

§ 8. That said board of directors shall cause an accurate record and books of their proceedings, and accounts of their receipts and expenditures to be kept, which books shall at all meetings be laid before said board, if required, and also be subject to the inspection of the stockholders; and semi-annually, after the first year from the time of their organization, they shall make a fair statement of their transactions, and declare a dividend of the net profits of the concern, and pay the same over to the stockholders entitled thereto.

May make calls
on stock sub-
scribed.

§ 9. That the said directors shall have power to make such calls for the payment of stock of the stockholders as they may deem necessary, and, in case of failure to pay the same on the part of any stockholder, to sue for and recover the same in any court having jurisdiction, as for any other liquidated debt.

Shall not issue
notes for circula-
tion.

§ 10. That none of the powers herein granted shall authorize said company to issue notes or bills payable to bearer, nor to contract debts to a greater amount than the capital stock subscribed by said company; and no stock-

holder shall be made liable in any way for a greater amount than the stock he has subscribed and taken in said company.

1851.

Approved March 22, 1851.

CHAPTER 576.

AN ACT for the benefit of certain School Districts in Meade, Knox, Whitley, Nelson, and Greenup counties.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the superintendent of public instruction, upon satisfactory proof being made to him by the first day of May, 1851, that a common school was taught in school district No. 19, in Meade county, for six months during the year 1850, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of said county, for the sum of money to which said school would have been entitled had the trustees thereof reported in time; said sum of money to be paid to the trustees of said school No. 19, for the use thereof. Meade.

§ 2. That the superintendent of public instruction, upon satisfactory proof being made to him that schools were taught in districts Nos. 24, 34, and 35, in the county of Knox, in the year 1850, each for the period of three months, according to law, be and is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Knox county, for the sum of money to which said schools would have been entitled had they reported by the time now required by law. Knox.

§ 3. That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught in district No. 2, in the year 1850, in the county of Whitley, for the period of three months, according to law, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners in Whitley county, for the sum of money to which said school would have been entitled had it been reported in the time now required by law. Whitley.

§ 4. That the superintendent of public instruction, upon satisfactory proof being made to him that a common school was taught in school district No. 21, in Nelson county, in the year 1850, for three months, agreeably to the common school laws of this state, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Nelson county, for the sum of money to which said school district would have been entitled to receive had the report for the same been received in due time. Nelson.

§ 5. That the superintendent of public instruction, upon satisfactory proof being made to him that a common school was taught in school district No. 10, in Greenup county, in Greenup.

1851.

the year 1850, for the period of three months, agreeably to the common school laws of this state, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Greenup county, for the sum of money to which said school would have been entitled, had the report for the same been received in due time.

Approved March 23, 1851.

CHAPTER 577.

AN ACT regulating the duties of the Christian County Court in laying the levy,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in laying the levy, the Christian county court shall impose a poll tax of twenty-five cents, and no more, on every free white male inhabitant, and on every free male negro or mulatto man living in said county, and of the age of twenty-one years; and the residue of the money requisite to the payment of the claims allowed, and the appropriations made by said court, shall be levied by an *ad valorem* tax, to be fixed by reference to the taxable property of said county, as reported in the commissioners' books for the current year, but said court may relieve, for any charitable reason, as heretofore, any of the persons so charged with said poll tax; and for collecting the amount so levied, the sheriff or other collector shall be allowed a commission of three per centum.

Approved March 22, 1851.

CHAPTER 578.

AN ACT to amend the charter of the Lexington and Frankfort Railroad Company.

Whereas, by the 27th section of an act, approved February 28, 1848, entitled, "an act to incorporate the Lexington and Frankfort railroad company," it was declared that on the completion of the Lexington and Frankfort railroad, and the Louisville and Frankfort railroad, the profits of the two roads should be divided between the two companies owning the same, in the proportion of the actual cost of each of said roads; which said 27th section was also enacted as an amendment to the charter of the Louisville and Frankfort railroad company; and whereas, it is represented to this general assembly that the provisions of the said amendment have not been accepted by the said Louisville and Frankfort railroad company. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in case the said amendment to the charter of the Louisville and Frankfort railroad com-

pany shall not be finally accepted by said company, at or before the annual meeting of the stockholders thereof, that then, and in that event the said 27th section of the charter of the Lexington and Frankfort railroad company shall thenceforth stand repealed.

1851.

Approved March 23, 1851.

CHAPTER 580.

AN ACT to establish the town of Woodville, in the county of Mason.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That fifty acres of ground, the land of William R. Wood, adjoining the town of East Maysville, and fifty acres of land belonging to Lewis Collins, adjoining the same, be and the same is now condemned and established as a town, by the name of Woodville, and the title to said land, to the extent that the town is laid off on the land of William R. Wood, is hereby vested in the said William R. Wood, and to the extent it is laid off on the land of Lewis Collins, is vested in the said Lewis Collins, for the purposes hereinafter specified.

Town established.

§ 2. It shall be lawful for the said Wood and Collins to lay off the said one hundred acres of land; or any smaller quantity in their discretion, into convenient town lots, with streets and alleys, in such manner as they may think right; and sell and dispose of said lots by private or public sale, as they, in their discretion, may determine; and the proceeds of the sales shall go to the said Wood for lots sold on his land, and to said Collins for lots sold on his: *Provided*, the streets shall be laid off to correspond with the streets of East Maysville.

May lay off town lots.

§ 3. That so soon as a sufficient number of lots be sold, and the population and inhabitants of said town increase so that a voting population of fifty voters shall be resident therein, they shall have a right to elect five trustees for the government of said town.

When they may elect trustees.

§ 4. That all the powers, rights, and privileges that are now vested in the trustees of the town of East Maysville, for the government of said town of East Maysville, shall be vested in the said trustees of the town of Woodville, when elected, for the government of said town.

Powers of trustees.

§ 5. The said trustees, when elected, shall elect a president of their board, a clerk, a treasurer, a collector, and other officers, for the government and well being of said town.

Approved March 23, 1851.

1851.

CHAPTER 582.

AN ACT to authorize the County Court of Montgomery to issue the bonds of said county for Internal Improvement purposes, and to establish a board of Internal Improvement to manage said bonds.

County court
may issue bonds

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Montgomery county be and it is hereby authorized to issue the bonds of said county, to the amount of twenty-five thousand dollars, which bonds shall fall due twenty years after date, and bear interest from date, at the rate of six per cent. per annum; be assignable and subject to sale by and at any time before due, redeemable at the discretion of the board of internal improvement, as hereinafter established.

Fund to be cre-
ated for the pay-
ment of the
bonds.

§ 2. That said county court be and it is hereby authorized and required to create a sinking fund for said county, by levying a poll, or *ad valorem* tax, or both, if it is preferred, on the tax payers and taxable property thereof, for the purpose of paying the annual interest of the said bonds, and so much of the principal as they may, from year to year, direct, so that the whole of the twenty-five thousand dollars shall be extinguished at the end of twenty years. All the laws now in force relating to the manner of collecting the revenue, and all the penalties thereof, are adopted as parts of this act.

Election of
the board.

§ 3. That at the next April or May term of said court, or as soon thereafter as may be, it shall be the duty of said court to provide for the election of five commissioners, citizens of the county, for the purposes hereinafter stated, who shall be a body corporate, and styled the board of internal improvement of Montgomery county; and, by that name, may sue and be sued, plead and be impleaded in all the courts in this commonwealth, and have and possess all the powers incident to a corporation, to carry into effect the objects of this act. The election shall be held at the usual places of voting in the county, and on a day to be fixed by the county court; but the court shall cause notice of the day to be posted up at the court house door in Mountsterling, at each of the precincts in the county, and to be published in the Kentucky Whig for at least one month before the day of the election. All those entitled to vote for representative, shall have a right to vote for commissioners. The officers of the election shall be appointed as the officers of elections now are, and they shall take the same oath, perform the same duties, and receive the same pay, and be subject to the same penalties. The five persons having the highest number of the votes cast shall be the commissioners of the board. The sheriff shall certify their election to the clerk of the county court, whose duty it shall be to record it in some suitable book of his office, free of charge. When recorded, a certified copy of this certificate shall be evidence of the legal character of

the commissioners, in any court of this commonwealth. Whenever the number of the commissioners, by death or otherwise, shall be reduced to less than three, it shall be the duty of the county court to order a new election of the whole board.

1851.

§ 4. That the board shall choose, from among themselves, a presiding officer, to be styled the president of the board, a clerk, and a treasurer. Each member of the board shall take an oath faithfully to execute the duties of his office, to the best of his abilities. It shall be the duty of the president to preside over their deliberations, and give the casting vote when there is a tie, to sign all orders and acts of the board, and see that all their purposes are faithfully executed. It shall be the duty of the clerk to keep a correct record of all the acts and ordinances of the board in a bound book. It shall be the duty of the treasurer to receive all money that may arise from the sale of said bonds, pay it out to the order of the board, and keep a faithful record of all his acts in a bound book. He shall give bond and good security, to be approved of by the county court, in double the sum which he may receive, conditioned faithfully to perform the duties of his office. The clerk and the treasurer shall, at all times, submit their books to the inspection of any one wishing to examine them; and when applied to, they shall give a certified copy of any fact on their books, which shall be evidence in any court of this commonwealth, except in cases where the board themselves are interested, upon a charge against them for malfeasance in office. For their services they shall each receive such compensation as may be allowed them by their county court.

Officers of the
board, how ap-
pointed.

§ 5. That the board, any three of whom may at all times act, shall have power to sell and assign said bonds, on such conditions or terms as they may think best. The proceeds of the sale shall be laid out or expended by them in McAdamizing, or otherwise improving, according to the provisions of the respective charters which have been granted, or which may hereafter be granted, on the several roads in the county, known as the Winchester and Mountsterling turnpike road, the Paris, North Middletown, and Mountsterling turnpike road, the Mountsterling and Jeffersonville turnpike road, and the Mountsterling and Howard Mills turnpike road, by the way of the forks of the public roads near the residence of Joseph Bondurant, in such manner and quantities as the board may, from time to time, direct. Full and complete power is given to do all things necessary to carry out the spirit and meaning of this act: *Provided, however*, that before said court shall issue the bonds above specified, it shall be made appear to said court, by petition, or a vote of the people, or otherwise, that a majority of the qualified voters of said county are

Number au-
thorized to act.

1851.

favorable thereto; and for this purpose said county court is authorized, if deemed necessary, to order and direct a poll to be opened at the several voting places in said county, for and against the issual of said bonds, at which such qualified voters shall have the privilege of deciding said question; the election to be conducted under the same rules and regulations as elections for members of the general assembly are now required by law to be conducted.

Approved March 23, 1851.

CHAPTER 584.

AN ACT to amend an act, entitled, an act to incorporate the Nashville and Louisville Railroad Company, approved March 4, 1850.

How subscrip-
tions to be taken

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled, an act to incorporate the Nashville and Louisville railroad company, passed by the legislature of the state of Tennessee on the 9th day of February, 1850, and re-adopted by the general assembly, and approved March 4, 1850, be so amended as to authorize any three or more of the persons named in the second section thereof to open books of subscription to the stock of said company, at such times and places, and to continue the same open for such length of time as they may prescribe, by an advertisement in one or more of the public newspapers printed in this state, or one or more printed in the state of Tennessee; and upon the expiration of the time prescribed in said advertisement for receiving such subscriptions, the said commissioners shall forward a correct list of all the subscribers of said stock, with the number of shares taken by each subscriber, to any one or more of the central commission mentioned in the fourth section of said act, to which commission Abraham Field, of Shepherdsville, is added, who or a majority of whom, upon a call or advertisement of the time of meeting made in some newspaper, by the member or members of said commission receiving said lists, shall meet as and for the purpose prescribed in said section; and if it shall appear that one hundred thousand dollars, or more, has been subscribed, then said company shall be regarded as formed, with all the rights and powers to construct so much of said road in the direction to Nashville as lies within this state, that are conferred by said act for the construction of the entire road, and not inconsistent with this amendment; and said central commission, or a majority of them, shall immediately publish the fact, in like manner, and call a meeting of the stockholders at such time and place as they may designate, for the election of directors of the company, as prescribed in the charter; but upon the failure to attend, or refusal to act, of any one or more of said central commission, at the

time and place designated in the call or advertisement, such vacancy is to be filled as directed in said act.

§ 2. That after said company shall be organized by the election of directors, and the choice of a president and other officers, they may cause one or more routes for the main road from Nashville to Louisville, passing through Gallatin, in Tennessee, to be surveyed and estimated, and the line of that portion of the main road within this state shall be immediately located and established by the board of directors, subject, however, to the control of the stockholders at a general meeting; and said company may thereupon proceed, as speedily as their means will permit, to contract for the construction of the whole or a part of the road thus located within this state; but before proceeding to contract for the work, in whole or in part, the president and directors shall call a meeting of the stockholders, and lay before them the cost of the road, as far as estimated, together with the amount of subscription obtained, the right of way obtained, and the expenses incurred; and a majority of the amount of stock in value shall have the right to order the expenses to be paid, the subscriptions cancelled, and the company dissolved: *Provided*, they shall have no power to cancel the subscriptions and dissolve the company, if two-thirds of the estimated cost of the main road within this state shall have been subscribed to the stock of the company.

§ 3. Said company shall allow to all subscribers and holders of stock under the company, interest on the same from the time of paying for said stock up to the time of making the first dividend.

§ 4. Said company shall have the power, in contracting for the construction of the road, or any part thereof, to pay one-third of the contract price in the bonds of the company, having not less than ten years to run, and bearing not more than six per cent. per annum interest, payable half yearly, and to secure the same by a deed of trust on said road, in all respects, as the Louisville and Frankfort railroad company are authorized to sell the bonds of said company, and secure the same by deed of trust, under the act to amend the charter of said railroad company, approved February 23, 1849.

§ 5. That upon the adoption and enactment of this act by the legislature of Tennessee, all the corporate rights and powers hereby conferred for the purpose herein named, shall extend and apply to the joint stock company organized for the purpose of building the entire road from Louisville to Nashville; and the charter, so amended, shall constitute a joint stock company for the purpose named in said charter.

1851.

Directors may cause different routes to be surveyed.

Interest to be allowed on stock payments.

May pay for making road in part in bonds.

Approved March 22, 1851.

1851.

CHAPTER 585.

AN ACT to incorporate Owen Division, No. 220, Sons of Temperance, in Owenton, Owen county.

Members
incorporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present members of Owen division, No. 220, sons of temperance, and such as may hereafter associate with them, agreeably to the rules and by-laws of said institution, and their successors, be and they are hereby incorporated and made a body politic and corporate, by the name of Owen division, No. 220, sons of temperance; and, by that name, shall have perpetual succession, and be capable of receiving and holding, by gift, purchase, or otherwise, not exceeding ten acres of land, and any kind or quantity of personal property, and to sell or exchange the same, and make conveyance thereof at pleasure; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity; to have and use a common seal, and the same to renew or alter at pleasure; and service of process or notice upon the chairman of the board of trustees shall be sufficient service upon said corporation.

Trustees ap-
pointed.

§ 2. That A. P. Grover, C. S. Stribling, William Long, Andrew McFerran, T. S. Allen, and Edward Lasby, be and they are hereby appointed trustees for said division, to hold their office until the first day of June, 1851, and until their successors are duly elected by the members of said division, who may, at their first regular meeting in June, 1851, and at their first regular meeting in June of each succeeding year, elect five of their members as trustees of said corporation, whose term of office shall be twelve months, and until their successors shall be elected.

May hold real
estate.

§ 3. That all the real and personal estate and property belonging to said division shall be as fully and completely vested in said corporation as if such property had been acquired after the passage of this act.

Record of pro-
ceedings to be
kept.

§ 4. The trustees shall keep a record of their proceedings; make rules and by-laws for their own government; and in case of death, resignation, removal, or disqualification to act of any one or more of said trustees, said division may elect one or more, as the case may be, to fill the vacancy or vacancies occasioned thereby.

May enact by-
laws, &c.

§ 5. That the members of said division who are in regular standing shall have power, a majority of those present at their meetings concurring, to pass any by-laws, rules, and regulations for their own government, and for the promotion of the interest of said division, which they may deem expedient: *Provided*, they be not repugnant to the constitutions of subordinate divisions, of the grand division of the state of Kentucky, or of the national division, nor to the constitution and laws of this state or of the United States.

§ 6. The general assembly hereby reserves the right to repeal or amend this act at pleasure.

1851.

Approved March 22, 1851.

CHAPTER 586.

AN ACT for the benefit of School Districts in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the commissioners of common schools for the county of Cumberland be and they are hereby required to report to the superintendent of public instruction, on or before the first day of January, 1851, the number of common schools taught in said county in the year 1850, which have not heretofore been reported, and if said superintendent shall be satisfied that said schools were taught according to law for the period of three months, and not reported in due time, he shall draw his warrant on the second auditor, in favor of the trustees of said school districts, for the sum to which they would have been entitled had they reported in due time; the money to be paid over to said trustees for the benefit of said schools.

Approved March 22, 1851.

CHAPTER 590.

AN ACT for the benefit of George Johnson, of Morganfield.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the trustees of Morganfield, (a majority concurring,) to grant a license to Col. George Johnson to keep a coffee-house in said town.

§ 2. That upon the grant of such privilege, said Johnson shall pay into the hands of the clerk of the Union county court the sum of ten dollars, which shall be by him paid into the treasury of the state, as he is by law required to pay over such revenue as shall come to his hands as clerk; and furthermore, said trustees shall require said Johnson to execute bond, with one or more good securities, in the penalty of five hundred dollars, payable to the commonwealth of Kentucky, with condition that he will well and truly keep an orderly house, and shall not at any time permit any person to be so intoxicated in said house so as to disturb the public peace; which bond may be put in suit, in any court in this commonwealth having jurisdiction of such cases, for a breach or violation of the condition of said bond; and shall also be subject to indictment by a grand jury, and the withdrawal of the privilege herein directed to be granted.

Approved March 22, 1851.

1851.

CHAPTER 591.

AN ACT for the benefit of Samuel G. Mullins, of Mercer county.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the second auditor be and he is hereby directed to issue his warrant upon the treasurer, in favor of Samuel G. Mullins, for the sum of sixty-two dollars and twenty-two cents, that being the amount of taxes assessed against and paid by him, since the year 1842, in the county of Mercer, upon real estate exempt by law from the payment of tax.

§ 2. That said Samuel G. Mullins, in his settlement with the sheriff of Mercer county of his taxes for the year 1850, have a credit for the sum of sixteen dollars and twenty-eight cents, that being the amount improperly charged against him as tax for said year, on said real estate so exempt from taxation, as aforesaid; and in case said settlement may have been made by him with said sheriff, and said taxes may have been paid, of which the sheriff's receipt shall be sufficient evidence, then and in that event the said second auditor will, in like manner, draw his warrant upon the treasurer, in favor of said Samuel G. Mullins, for the aforesaid sum of sixteen dollars and twenty-eight cents, part and parcel of said taxes so by him paid to said sheriff of Mercer county.

Approved March 22, 1851.

CHAPTER 592.

AN ACT to amend the act establishing the Morgantown Seminary.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the justices of the peace for Butler county are hereby directed to surrender into the hands of the present trustees of the Butler seminary, established 7th of February, 1840, all the patents, books, papers, and evidence of title of and concerning the seminary lands, patented in the name of the justices of the Butler county court, for the use of a seminary in said county; and that the title to said seminary lands be and is hereby vested in the present acting trustees of said seminary, established by an act, approved 7th of February, 1840, to which this is an amendment. That they are empowered to sell and convey said lands not heretofore conveyed, by deed, by the justices of the county court; and it is hereby declared that any deeds to said lands which may hereafter be made by said trustees, or their agent or attorney in fact, will convey a full, complete, and legal title to said lands.

§ 2. And whereas, the justices of the Butler county court having disposed of some of the lands by deed, and others by executory contract, and there being some doubts whether their deeds were regular, and whether they had the au-

thority to sell. Therefore, *Be it enacted and declared*, that all deeds and conveyances made by said justices, or their agent or attorney in fact, Joseph Ricketts, of their seminary lands, are legal and regular; and pass all the title said justices had to the several grantees in said deeds; and that executory contracts made by said justices, or their agent, for said lands, confer an equitable title on the several purchasers; and that the trustees of the Butler seminary, (the legal title here vested in them by this act,) have full power and authority to complete said contracts by deed; which deed, when made, is hereby declared to give the purchaser the full and complete title to said lands.

Approved March 22, 1851.

1851.

CHAPTER 594.

AN ACT concerning Coal Mines in Hancock County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the county court of Hancock county to establish a right of way from any coal banks or mines in Hancock county, to any point on the Ohio river in said county, under the same laws and regulations which now govern the opening and establishment of public roads in this state, with the exceptions following, to-wit: the application shall be in writing; shall designate, as nearly as practicable, the beginning and terminating point, the intermediate location, the width of the proposed right of way, and the names of the persons over whose lands it will pass; and the county surveyor, or some other practical surveyor, shall be appointed to view and report said proposed right of way; and such surveyor shall make an accurate survey of the proposed right of way, and report the same, together with the extent to which it interferes with the lands of others, and whether or not such right of way be the most practicable route by which to deliver coal from the coal mines and banks of the applicant to the Ohio river; and the court shall make such allowance to said surveyor, and the persons employed as chain carriers, as they may deem proper, to be paid by the applicant; and upon said report, the same proceedings shall be had as upon the report of reviewers of a public road; but no road or right of way shall be established, but upon the condition that the damages assessed to the persons over whose lands the right of way shall pass, shall pay the damages which are assessed, if any; and no hands shall be assigned to said applicant to open the road over such right of way; but the applicant shall, upon the establishment of the right of way, be authorized to construct such road, and make such grades as he shall think proper; and the order establishing the right of way shall, in all instances, fix the width of such right of way.

County court may establish a right of way from any coal banks to any point on the Ohio river.

1851.

Damages to be
assessed.

§ 2. The jury, in assessing damages under any writ of *ad quod damnum* issued under the provisions of this act, shall estimate fairly and justly the damages done to the lands over which such right of way is proposed to be established, as likewise the advantages and disadvantages that may result to the owner of the lands, in the event the right of way shall be established.

Duty of county
surveyor.

§ 3. Any person owning coal lands adjacent to any coal mines which are being worked, may call upon the county surveyor in said county to make a survey of such mines, to ascertain whether or not those who are mining are encroaching upon such coal lands; and said surveyor shall proceed to make such survey without unnecessary delay, and shall deliver to the person on whose application the survey is made, a plat showing the extent to which his lands have been encroached upon, if at all; and for said service, he shall receive at the rate of five dollars per day, and one dollar and fifty cents per day for such chain carriers as he may employ; and if the owner or superintendent of the mine shall have had five days' written notice of such intended survey, said report shall be evidence in all courts between the parties; and said surveyor shall have power to swear and examine witnesses touching any fact that cannot be ascertained by actual survey, and their testimony shall form a part of said report.

§ 4. If any person connected with any coal mine, either as owner, superintendent, agent, miner, or laborer, shall obstruct, or in any way prevent the making of such survey, he shall forfeit and pay to the person at whose instance the survey is attempted to be made, twenty dollars for every such offense, to be recovered before any court of competent jurisdiction.

Approved March 22, 1851.

CHAPTER 595.

AN ACT to authorize the Grant County Court to lay an additional levy at their April or May term.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Grant county court is hereby authorized to lay an additional county levy, for the year 1851, of seventy-five cents on each tithe, at their next April or May term, to aid in the building of a court house.

§ 2. That the sheriff of said county shall collect the additional levy, when laid by the court; and he shall be paid the same, for collecting the same, that he is now allowed for collecting the county levy.

Approved March 22, 1851.

CHAPTER 597.

1851.

AN ACT for the benefit of O. N. Carder, Constable of Oldham County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for O. N. Carder, a constable of Oldham county for the Brownsboro' district, to reside out of his district until the election in May next; and that all acts done and performed by him whilst residing out of his district shall be as valid as though he lived in his district.

Approved March 22, 1851.

CHAPTER 598.

AN ACT for the benefit of James McBride.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be directed to issue his warrant on the treasurer, in favor of James McBride, for the sum of forty-four dollars, said McBride having paid that sum to the treasury on the 2d day of March, 1832, for land west of the Tennessee river; which land, by due course of law, has proven to be within the bounds of Richard Harrison's survey.

Approved March 22, 1851.

CHAPTER 599.

AN ACT for the benefit of James McConnell.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the second auditor is hereby directed to draw his warrant on the treasury for the sum of two hundred and fifteen dollars and nine cents, in favor of James McConnell, for work on dam No. 3, on Green river, which sum the board of internal improvement report as justly due said McConnell.

§ 2. That before the second auditor shall draw his order on the treasury, said McConnell shall file with the board of internal improvement a receipt in full for all demands against the state for said claim; which fact shall be certified to the second auditor by the president or secretary of said board.

Approved March 22, 1851.

CHAPTER 600.

AN ACT for the benefit of the Sheriff of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Knox county be and he is hereby allowed until the last day of May, 1851, to return his delinquent list for the revenue of 1850.

Approved March 22, 1851.

1851.

CHAPTER 603.

AN ACT for the benefit of the 57th Regiment, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Garrard county shall pay over the money collected as fines from said regiment, and now in his hands, to the commandant of said regiment, or his order:

Approved March 22, 1851.

CHAPTER 604.

AN ACT to incorporate the Capital Hotel Company in Frankfort.

Name and style

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby established, in the town of Frankfort, a company with a capital stock of fifty thousand dollars, divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies, or corporations, in the manner hereafter specified; which subscribers and stockholders, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the president and directors of the capital hotel company, and shall so continue until the year 1951; and, by that name, shall be competent to contract and be contracted with, to have, possess, enjoy, and retain such lands, tenements, hereditaments, goods, and effects as may be necessary and convenient for the erection and furnishing a hotel in the town of Frankfort; to rent and demise said hotel, furniture, &c., and all such rooms and storehouses as they may construct in the erection of the said hotel; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, in matters, as natural persons; to have and use a common seal, and change, alter, or renew the same at pleasure; to ordain and put in execution all such by-laws, rules, and regulations as shall seem necessary for the government and carrying out the objects of this corporation: *Provided*, they be not contrary to the constitution and laws of this state or of the United States.

Directors.

§ 2. That Edmund Taylor, A. G. Hodges, Stuart Robinson, Jacob Swigert, Jno. H. Hanna, and James Harlan shall be the first directors of said corporation, and shall elect one of their own body president. The president and directors shall appoint a secretary, and keep a fair record of their proceedings. They shall also appoint a treasurer, and such other officers and agents as they may require, and may take bond with security from all officers and agents, and remove them at pleasure. And the president and directors shall manage and control the fiscal and prudential concerns of said company in all things.

§ 3. The president and directors may proceed to procure subscriptions of stock in said corporation at such time and places, and payable in such sums, and at such periods as they may deem best; and any one failing to pay his subscription, as required of him or them, may be sued and compelled to pay.

1851.

May procure
subscriptions of
stock.

§ 4. The president and directors shall have the right to declare when a stockholder has forfeited stock, and the payments made; but no such forfeiture shall be made by them, without the service of a notice on the delinquent stockholder at least twenty days before the record of such failure shall be made on the books of the corporation; and such forfeiture shall not release said stockholder from the sum yet remaining unpaid.

May declare a
forfeiture of
stock.

§ 5. The stock shall be personal estate, for which the president and directors shall issue certificates to the owners, which shall be transferable in such manner as the corporation may prescribe by the by-laws.

Certificates of
stock to be in-
sued.

§ 6. The stockholders shall have a right to make such by-laws, rules, and regulations for the government of the corporation, and the election of the president and directors, as they may deem expedient; also, to fix the term of service, and number of directors, and the time and place of holding elections for president and directors, and who shall be eligible as such; and, also, the time and place of calling and holding general meetings of the stockholders; but none of the by-laws, rules, and regulations shall be contrary to the constitution of this state or of the United States.

May enact by
laws, &c.

§ 7. The corporation shall hold only such real estate as may be necessary to carry into effect the objects for which it is created, and such as in good faith may pass to them in payment or security of a debt.

§ 8. As soon as the sum of twenty thousand dollars shall have been subscribed, the president and directors shall give notice to the stockholders, and call them to meet at such time and place, in the town of Frankfort, as to said president and directors may seem proper; and at such meeting the stockholders may take such steps as they may think proper and necessary to execute the purposes of this charter.

When company
may be organ-
ized.

§ 9. The said corporation shall not exercise banking privileges, nor do any act which is inconsistent with the true meaning thereof; and for any violation of the provisions of this act, the privileges therein granted shall be forfeited by the judgment of the Franklin circuit court, by proceedings to be instituted by *scire facias*, in the name of the commonwealth.

Approved March 22, 1851.

1851.

CHAPTER 606.

AN ACT to authorize the county of Mercer and the county of Boyle to subscribe stock in Railroads, and other roads within said counties.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the provisions of an act, entitled, "an act to authorize the county of Fayette and city of Lexington to subscribe stock in railroad companies," approved January 25, 1851, be and they are hereby extended to the county of Mercer and the county of Boyle, and that the respective county courts of said counties, and the various officers in said act referred to, have and be invested with the same powers and duties, as to railroads proposed to be constructed in these respective counties, as by said act are invested in and directed to the county court and other officers of Fayette county.

§ 2. That said county courts be and they are hereby authorized to appropriate a portion of the money which may be raised by the bonds of said county, to take stock in, or to aid in the construction of turnpike or other roads within their respective counties: *Provided, however*, that when the question as to the issuing of the bonds shall be submitted to the vote of the people, the notice of the election shall distinctly state the sum of money proposed to be raised, and the special purposes and objects to which the money so raised shall be appropriated; and the county court, and all other persons who may act under or by virtue of this act, shall carry out, in good faith, the purposes expressed in said notice.

Approved March 22, 1851.

CHAPTER 608.

An act for the benefit of Col. R. T. P. Allen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bond of R. T. P. Allen, and his securities, executed to the commonwealth for certain public arms for the use of the Kentucky military institute, be cancelled and declared void, the arms and accoutrements remaining uninjured at the institute having been returned by the securities of said Allen.

[Approved March 22, 1851.]

CHAPTER 610.

AN ACT to incorporate the Washington Support and Health Insurance Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Harlan, A. C. Keenon, B. Mills, C. G. Graham, C. S. Waller, and J. M. Mills, and

Name and style.

1851.

their associates, shall be and they are hereby created a body politic and corporate, in fact and in name, by the name of the "Washington support and health insurance company;" and, by that name, are hereby made capable and able, in law, to have, purchase, receive, possess, and enjoy, and retain to them and their successors, lands, tenements, rents, goods, chattles, and effects, to an amount not exceeding in the whole fifty thousand dollars, and the same to sell, convey, and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places in this commonwealth or elsewhere; make and use a common seal, and the same to break, alter, or renew at pleasure; to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall be deemed necessary and convenient for the government of said corporation, not contrary to law; and generally to do all acts and things that a corporation may lawfully do.

§ 2. That said corporation shall have power and authority to make contracts of insurance with any person or persons, against losses by sickness or ill health, for such term or terms of time, and for such premiums or consideration, and such modifications and restrictions as may be agreed on between said corporation and the person or persons agreeing with them for such insurance.

May make insurance.

§ 3. The property and concerns of said corporation shall be managed and conducted by five directors, to be chosen by ballot from the foregoing named individuals, and their associates, who shall continue in office for such period as they shall determine on and fix by their by-laws: *Provided, however*, there shall, in all cases, be an election of directors once in each year, at such time and place as the directors, in their said by-laws, shall direct and appoint; and such elections shall be managed by three persons appointed by the directors from the stockholders of said corporation; and such elections shall be by ballot, and by a plurality of members then present:

Who manage its affairs.

§ 4. The directors shall, as soon as may be after the passage of this act, and the directors to be chosen at the annual elections shall, as soon as may be thereafter, proceed to choose, out of their own body, one person to be president, and another to be secretary, and in the case of the death, or resignation, or inability to serve of both or either of them, or of any director of said corporation, such vacancy may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors shall have the power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of said corporation may provide.

May elect officers, &c.

1851.

When election
may be held.

§ 5. If it shall happen at any time that an election of directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed dissolved, but it shall be lawful, on any day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws of said corporation.

*Contracts to
be binding.

§ 6. The policies of insurance, and other contracts founded thereon, hereafter to be made or entered into by the said corporation, though not under any seal, if subscribed by the president and countersigned by the secretary, or by such officer or officers, person or persons acting in both or either capacity, as authorized by this act and the by-laws of said corporation, shall be binding and obligatory upon said corporation, and shall have full force and effect, to all intents and purposes, as if the seal of the corporation had been affixed thereto; and further, all such policies and contracts may be so signed and attested.

Policies may
be assigned.

§ 7. It shall be lawful for any person insured by said corporation to sell, convey, or assign his policy; and the purchaser or assignee or assignees, may bring suit in his, her, or their own names, and have all the benefits of the policy of insurance: *Provided*, that before any loss happens, he, she, or they shall obtain the consent, in writing, of said corporation to such assignment, and have the same indorsed on the policy of insurance.

May establish
agencies.

§ 8. Said company shall have power to establish agencies at such places as the president and directors thereof shall, from time to time, choose, and the same to discontinue at pleasure.

Approved March 22, 1851.

CHAPTER 612.

AN ACT to authorize the County Courts of Logan and Simpson to subscribe stock in the Louisville and Nashville Railroad Company, or in such Railroad Company as may pass through said Counties.

A vote to be
taken on the
propriety of a
tax.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the sheriff of Logan county, and the other officers holding the general election in said county, in the month of August next, to open columns in their several poll books, for the purpose of submitting to the legal voters of said county the question whether or not they will submit to an *ad valorem* tax of not exceeding one half of one per cent. per annum on the property of said county, and the additional list, under the equalization law, now subject to taxation by law, for the purpose of raising a fund to assist in the construction of any railroad that may be located within the limits of said county.

§ 2. When any legal voter shall present himself at the polls at said election, and claim the right of suffrage, after he shall have cast his vote for the officers to be elected at such general election, it shall be the duty of the sheriff conducting the election to put the question separately and distinctly to such voter, "do you vote for or against the railroad tax?" and if the voter shall vote upon said question, his vote shall be properly recorded by the clerk.

1851.

Duty of sheriff

§ 3. Upon a comparison of the polls, as provided for by law, it shall be the duty of the several officers comparing them to certify said comparison to the county court of said county, at its next session; and if it shall appear that a majority of all the votes cast in said county are in favor of the imposition of said tax, an order then shall be entered up by said court, directing the collector of the revenue tax in said county to collect an *ad valorem* tax from the citizens and property holders of said county, of not more than one half of one per cent. per annum, for a term of years sufficiently long to complete and pay for the construction of the road through said county, commencing with and including the year 1852.

Result to be certified to the county court.

§ 4. If the imposition of said tax is demanded by a majority of the voters of said county, it shall be the duty of the county court to subscribe stock in such railroad company, to an amount equal to the amount of tax to be collected in said county, to be paid according to the laws of this commonwealth and the by-laws and ordinances of said railroad company: *Provided*, said railroad shall run through or near the town of Russellville, in said county.

May subscribe stock on certain conditions.

§ 5. It shall be the duty of the collector of the revenue tax in said county of Logan to give to each tax payer of said railroad, a separate receipt for the amount of his tax, setting out the valuation of such tax payer's property, and the amount of his railroad tax; which receipt shall be transferrable by written assignment; and the owner of said receipt shall be entitled, to the extent thereof, to an equal proportion of the stock owned by said county in said railroad company; and when any person shall present to said county court receipts to an amount equal to one share or more of said stock, said court shall give him a new certificate, specifying the extent of his interest, and shall order stock to that amount to be transferred to him, and stand in his name.

Receipt for tax to be given.

§ 6. That the county court of Logan shall have power to anticipate the tax herein proposed to be raised, by issuing bonds on and in the name of the county of Logan, bearing a rate of interest not exceeding six per cent., and payable in fifteen years: *Provided*, that the said bonds shall not be sold for less than the par value.

May issue bonds

§ 7. The provisions of this act shall apply to the county of Simpson: *Provided*, the said road shall run through said

This act to apply to Simpson county.

1851.

county, and through or near the town of Franklin : *And provided further*, that in said county of Simpson it shall require a majority of all the qualified voters to impose said tax, which shall not continue for a longer period than ten years; and it shall be the duty of the several sheriffs to put up at least two written notices, at each election precinct in said county, of the proposed amount of railroad tax to be levied, and for what period of time to be levied.

Approved March 23, 1851.

CHAPTER 613.

AN ACT concerning the Police Judge of the town of Hartford, in Ohio county.

Police Judge
to be elected.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the police judge of the town of Hartford, in the county of Ohio, shall be elected by the qualified voters within the limits of said town, on the Saturday preceding the second Monday in May, 1851, and on the third Saturday in July in every fourth year thereafter; and he shall be commissioned by the governor, and hold his office for the term of four years, and until his successor shall have qualified.

Powers & duties
of trustees.

§ 2. The board of trustees of said town shall appoint two suitable persons as judges, and one suitable person as clerk, to hold said election; and the persons so appointed shall hold said election at the court house in Hartford, at the times specified in the preceding section, and shall, in all respects, be governed by the laws regulating elections for county officers in the county of Ohio; and they shall deliver the poll books, duly certified over their signatures, to the clerk of the county court of Ohio county, within five days after said election shall have been held, and the same shall be filed in his office; and immediately after said poll book shall have been deposited in his office, the said clerk shall deliver to the person receiving the greatest number of votes a certificate of his election, and shall transmit a duplicate thereof to the secretary of state. The judges and clerk, so appointed, shall severally receive from the treasury of said town one dollar for holding said election.

Vacancies,
how filled.

§ 3. If any two candidates shall receive the greatest and equal number of votes, the judges and clerk shall decide the election by voting a second time, thereby giving a majority to one of such candidates receiving an equal number of votes; and if, at any time, a vacancy occur in said office more than one year before the expiration of the term, the board of trustees shall direct a special election to fill said vacancy, on such day as they may designate, and the election shall be conducted in all respects as if it were a regular election; but said trustees shall cause the said special election to be advertised at the court house door in

Hartford, ten days previously ; if the unexpired term be one year or less, the vacancy shall be filled by the board of trustees ; and the order appointing a person to fill the vacancy shall be certified to the secretary of state, and thereupon the governor shall issue a commission to the person so appointed.

§ 4. The said police judge may direct his process to the said officers to whom like process of justices of the peace is, by law, directed ; and the officers receiving it shall be governed by the same rules and laws, in the execution thereof, as if issued by a justice of the peace of Ohio county, and shall act under the same responsibilities, and be liable to the same proceedings for any failure or neglect of official duties, as if the process had issued from a justice of the peace of said county.

Approved March 22, 1851.

CHAPTER 619.

AN ACT to amend an act, entitled, "an act to incorporate the town of Shelbyville," approved February 21, 1846.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all licenses to tavern keepers, groceries, retailers, druggists, and apothecaries, &c., for the sale of spirituous liquors, in the town of Shelbyville, or within one mile of the limits thereof, shall only be granted at the discretion of the board of trustees of said town ; and it shall not be lawful for any person or persons to sell spirituous liquors, in quantities less than a quart, within the limits of the town of Shelbyville, or within one mile thereof, until such person or persons shall have applied to and obtained from the board of trustees of said town a license so to do ; nor shall any person or persons within the limits of said town, or within one mile thereof, sell spirituous liquors in quantities of a quart or over, until such person or persons shall have applied to and obtained from said board of trustees a license so to do ; nor shall such license be granted to sell in quantities less than one quart, until the person or persons applying for the same shall have paid to the clerk of said board the sum of ten dollars, which shall be accounted for and paid into the public treasury of this state, as is now provided by the act to which this is an amendment, and not less than thirty dollars nor more than one hundred dollars, which shall be paid to the treasurer of said board for the use of the town ; nor shall a license be granted to any person to sell in quantities of a quart or over, until the person applying for the same shall have paid to the clerk of said board the sum of twenty-five dollars, five dollars of which shall be accounted for and paid into the public treasury of this state, and the re-

Trustees may
grant licenses.

1851.

Druggists to
obtain license.

mainder shall be paid to the treasurer of said board, for the use of the town.

§ 2. That it shall not be lawful for any druggist or apothecary to sell spirituous liquors within the limits of said town, until such druggist or apothecary shall apply to the board of trustees of said town, and obtain a license so to do, and shall, also, take an oath, to be administered by the clerk of said board, that he or they will not sell spirituous liquors under said license, except for medical purposes; nor shall such license be granted until the person or persons applying for the same shall have paid to the clerk of said board the sum of ten dollars, one half of which shall be accounted for and paid into the public treasury of the state, as other moneys are directed to be paid, by said board, into the public treasury, and the balance to the treasurer of said board, for the benefit of said town.

§ 3. That in granting the licenses provided for in this act, the said board of trustees shall be governed by the laws now in force in relation to the granting of license for the sale of spirituous liquors, so far as the same are not repealed or modified by this act.

§ 4. That said board of trustees shall cause a copy of their annual statement of the receipts and disbursements of moneys to be published in some newspaper published in said town, which publication shall be made immediately after their annual settlement with their treasurer.

Approved March 24, 1851.

CHAPTER 630.

AN ACT to authorize the Trustees of the town of Versailles and the County Court of Woodford County to give power to a company to establish Water Works in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the board of trustees of the town of Versailles, and the county court of Woodford county shall have power to authorize any individual or company, to erect water works in the town of Versailles, on such terms and conditions as they may prescribe, conducting the water from the big spring, in said town, to the various parts thereof, through pipes or otherwise; and when said trustees and county court shall give authority to any individual or company to construct said water works, said individual or company, having constructed the same, shall become invested with the sole right to use, sell, and dispose of the same as of their own right; and the trustees of said town, when said water works shall be constructed, shall pass ordinances protecting the same from violence or injury.

Approved March 24, 1851.

CHAPTER 623.

1851.

AN ACT to amend the charter of the Louisville and Frankfort Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the Louisville and Frankfort railroad company shall be and is hereby amended so as to authorize the mayor and council of the city of Louisville to subscribe not exceeding three hundred thousand dollars, over and above what said city is authorized to subscribe to the stock of said company, and pay for the same. They are and shall be hereby authorized to pay said subscription in the bonds of the city, having not less than ten nor more than thirty years to mature; the said subscription and bonds, as to amount, and place of paying interest and principal, shall be as said company and the city shall agree; but the interest shall not exceed six per cent. per annum, payable half yearly; and said company shall have the right to sell said bonds, and guarantee the payment of interest and principal, and apply the proceeds to the construction of a branch of said road through the counties of Franklin, Shelby, Anderson, Mercer, Boyle, Lincoln, and such other counties as the company shall desire, or to any other branch of said road; or the city of Louisville may raise the money to pay for such additional subscriptions, or any part thereof, in all respects, as provided in an act to amend the charter of said company, approved 29th February, 1848; and when raised by taxation, as provided in said amended act, the stock shall be distributed amongst the tax payers, in all respects as provided therein; and said amended act shall apply to any and all branches of said road, in the same manner it was applicable to the main road: *Provided*, that the mayor and council of the city of Louisville shall not subscribe under this provision, without the sanction of the majority of the constitutionally qualified voters of said city, cast on the submission of the question to the voters of said city; and it shall be the duty of the mayor and council of said city to submit the question to the voters of said city, at the request of said company, on a named day, of which they shall cause reasonable notice to be given, and appoint the proper judges and officers to take and return the said votes.

§ 2. The charter of said company shall be and is hereby so amended as to authorize the counties of Anderson, Mercer, Boyle, Lincoln, and any other county through which said branch or any other branch of said road shall be extended, to subscribe, in their respective corporate characters, any amount of stock the county court of said county may deem proper, and pay for the same in the bonds of either of the counties, not having less than twenty nor more than thirty years to run; or to pay part in bonds, and part with money raised by tax on the real and personal

City of Louisville may subscribe additional stock.

Certain counties may subscribe stock.

1851.

estate of the county assessed for the revenue tax; the subscription of stock and bonds, and payments in bonds, or with money, to be on such terms as the several county courts and said company may agree: *Provided*, that no subscription shall be made by the county court of any county until the question and terms of subscription shall have the sanction of a majority of the votes of the county, cast under submission of the question to the voters of the county on a named day, which shall be fixed by the county court for that purpose; and the county court shall appoint the judges, &c., to take and report the vote.

Stock may be
raised by tax-
ation.

§ 3. The city of Louisville, and each county court of the several counties to whom the question of subscribing stock, as provided in the two preceding sections, shall have power and authority to raise the interest, and pay part of the principal of the sums authorized by the voters of said city and said counties, by taxation, as provided in said sections, and to hold the stock so subscribed for the benefit of said city or said counties, respectively, and to pledge, and sell, and transfer the same as other stockholders: *Provided*, that the surplus dividends on such stock, after paying the interest on the bonds given for the same, shall be applied by the company until all said bonds shall be settled up and cancelled.

Conditions on
which subscrip-
tions may be re-
ceived.

§ 4. That said company may receive subscriptions of stock to the proposed branch and other branches, on such terms and conditions, as to time and manner of payment, they may prescribe; and all such subscriptions, in any county through which the branch may pass, shall be considered a part of the subscription of such county, to be paid in cash, and in exoneration of the subscriber from the tax of the county for the road. When the subscription exceeds the subscriber's tax, and the subscriber shall desire that his subscription shall exonerate him from the tax and stock subscribed to a branch, shall not be entitled to have a share in the profits of the main line, until the branch completed to the extent contemplated by the location of the branch, but shall accumulate on the payments on stock of a branch, in the same manner as on the stock in the main line, and entitle the owner to so much additional stock: *Provided*, that nothing contained in this act shall be so construed as to authorize said Louisville and Frankfort railroad company to estimate the cost of any branch road or roads, constructed as provided for in this act, as constituting part of the cost of the Louisville and Frankfort railroad, in the sense of the twenty-seventh section of an act, approved February 28, 1848, incorporating the Lexington and Frankfort railroad company; nor shall anything in this act be so construed as to affect, in any manner, the rights of the Lexington and Frankfort railroad company, in the division of the profits of the two roads, as provided for in the said

twenty-seventh section of the said act incorporating the Lexington and Frankfort railroad company, approved February 28, 1848.

§ 5. That on the application of said company to the county courts of the several counties through which a branch of said road may be wished to extend, such court shall appoint a civil engineer and two impartial commissioners, whose duty it shall be to take from the owners and proprietors of land, and from those having an interest therein, and through which it is proposed the road shall pass, a grant of the right of way through the same; and said engineer and commissioners, or either of them, shall have the same power to take acknowledgments of the grantor that clerks of the several county courts now have; also, to take the privy examination of married women, and certify the said acknowledgments; and it shall be the duty of the county court clerk of the county to receive and record the grant, with the certificate; and said grant, so certified and recorded, shall vest in the company all the rights intended to be vested by the terms of the grant; and the grants of the right of way may include the fee, and the right to stone, earth, gravel, and timber on the granted or adjoining lands, for the making or repair of said road.

§ 6. That in all cases where the owners and proprietors of land, from any cause, shall fail or refuse to grant the right of way, it shall be lawful and the duty of said engineer and commissioners, or any two of them, from their own view and such proof as shall be presented, to value the land required for the road separately, and the advantages the road will be to the proprietor of the adjoining lands separately, and the disadvantages to the adjoining lands separately, and make report of the same, together with a map of the road through such county, to the clerk of the county court of such county, with the names of the owners of such land, and whether they are residents of the state, or non-residents, and infants, or adults; and it shall be the duty of the clerk to issue a summons against all such owners to show cause why the grant of the right of way shall not be made, on the payment of the balance, if any, of the value of the land as reported; and upon the service of said summons on the owner, if in the county, and, if not, on his agent in the county, if he have one, ten days, the county court shall have jurisdiction, on said report, to order the balance, if any, of the assessed value of the land to be paid, and a grant of the right of way to be executed to the company by a commissioner to be appointed by the court for that purpose: *Provided*, that if the owner is out of the county, and have no known agent within the same, it shall be lawful to send the summons to any county in the state where the owner is, or his authorized agent may be; and if such owner be a non-resident

1851.

Engineers to be appointed by each county court.

Proceedings in case right of way shall be refused.

1851.

of the state, and have no known agent, the court shall make an order of appearance to a named day, not less than four weeks, and appoint an attorney to correspond with the owner, and defend for him; and when the owner is an infant, the court shall appoint a guardian *ad litem* to appear for such infant and make defense; and it shall be lawful for the court to take up the case as to any one owner who is before the court, without waiting until all are served

Either party
may traverse
the report.

§ 7. It shall be lawful for the company or for the owner to traverse the report, or for both to traverse it, and claim a jury to value the land required for the road, and to assess the damages to the adjoining land, and the advantages which the road will be to the same; all which shall be done separately; and thereupon the court shall cause a jury to be impaneled to try the traverse or traverses in open court, and under its discretion, and to order the damages found by the jury to be paid, and also the damages to the adjacent land, first deducting therefrom the value of the estimated advantage the road will be to the same; and the court shall have the right to grant to either party a new trial, for the same causes that new trials are granted in suits at law; and either party may appeal or take a writ of error, but no appeal or writ of error shall prevent the company from proceeding to construct the road.

In what case
the foregoing
provisions shall
apply.

§ 8. The foregoing provision as to the right of way shall apply as well to the road between Louisville and Frankfort as to the branches, and shall apply to all cases where the company shall want ground for depots and turn outs, and stone, gravel, earth, or timber for the construction or repair of the road, and its culverts and bridges; and nothing herein contained shall be construed as preventing the company from contracting for the right of way, and stone, gravel, earth, or timber needed for the construction or repair of the road, under the provisions of the charter of the company.

§ 9. It shall be lawful for the Louisville and Frankfort railroad company to contract, on such terms as they may deem right and proper, with the Lexington and Frankfort railroad company for the use, by the former, of the depot of the latter in Frankfort.

City of Frank-
fort may sub-
scribe stock.

§ 10. That the mayor and board of councilmen of the city of Frankfort are hereby authorized to subscribe stock to the Louisville and Frankfort railroad company, not exceeding the amount of fifty thousand dollars, to be applied to the construction of a branch railroad to connect with the Louisville and Frankfort railroad at or near the city of Frankfort; for the payment of which subscription, the said mayor and board of councilmen may issue the bonds of said city, having not less than ten nor more than thirty years to mature, and bearing an interest not exceeding six

per centum per annum, payable half yearly : *Provided*, that before any such subscription shall be made, the said mayor and board of councilmen shall submit the question of such subscription to the vote of the citizens of said city qualified to vote for members of the board of councilmen, having first advertised the amount and terms of such proposed subscription, for at least ten days before such vote is taken, in the newspapers published in said city ; and unless a majority of all the qualified voters of said city shall vote in favor of such subscription of stock, the same shall not be made.

1851.

Approved March 24, 1851.

CHAPTER 624.

AN ACT for the benefit of G. W. V. McConnell, of Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George W. V. McConnell, late deputy sheriff of Woodford county, have the further time of two years within which to list with the proper collecting officer the fees and arrearages of tax due him as deputy sheriff aforesaid ; and said officer is authorized to distrain for and collect the same : *Provided*, that said McConnell shall be liable to the penalties imposed by existing laws for issuing illegal fee bills.

Approved March 24, 1851.

CHAPTER 625.

AN ACT to incorporate the Newport and Licking Turnpike and Plank Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and hereby is incorporated as a body corporate and politic, in the county of Campbell, by the name and style of the Newport and Licking turnpike and plank road company, for the purpose of constructing a turnpike or plank road, in whole or in part, from the corporation line of the city of Newport at some convenient point ; thence up the Licking valley, crossing Three Mile creek near its mouth, and passing near Six Mile lock, to some convenient point on the ridge road leading from Newport to Alexandria, a distance of about seven miles ; also, of erecting a bridge across said Three Mile creek where said road shall cross the same.

Name and style.

§ 2. That the capital stock of said company shall not be more than twenty-five thousand dollars, to be divided into shares of twenty-five dollars each.

Capital stock.

§ 3. That the books for the subscription of stock may be opened in the cities of Newport and Covington, and in the town of Alexandria, and such other places as may be

Books to be opened for the subscription of stock.

1851.

deemed best, under the direction of Thomas L. Janes, Jas. Taylor, Henry C. Gassaway, John S. Morgan, Herman Carlton, and F. M. Webster, or some one or more of them, all of whom are hereby appointed commissioners, for the purpose of obtaining subscriptions of stock in said corporation; and the said commissioners, or such of them as shall act, shall procure a suitable book or books, which shall contain the following obligation, and shall be signed by every person who shall take stock in said company: "We, whose names are hereunto subscribed, do severally bind ourselves, respectively, to pay to the president, directors, and company of the Newport and Licking turnpike and plank road company the sum of twenty-five dollars for each and every share of stock set opposite our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company." And when the president and directors shall have been elected, as hereinafter prescribed, they shall have full control of said books of subscription, and may have the same opened, from time to time, under their direction, until a sufficient sum is subscribed to complete the work.

When company may be organized.

§ 4. That as soon as a majority of said commissioners, or a majority of those that shall act, shall be of opinion that a sufficient amount of stock is subscribed to justify a commencement of said road, they may call a meeting of the stockholders, (having first given at least two weeks notice of the time and place of meeting by publication in in some one or more newspapers published in Newport or Covington,) and hold an election for president and five directors, who shall hold their offices for one year, and until other like officers shall have been elected: *Provided*, that should a vacancy occur, the remainder of the directors shall fill the same by appointment; and should the offices of the directory become vacant, from any cause, any three of the stockholders may call a meeting of the stockholders, as above mentioned, to fill such vacancies by an election. The directors shall appoint a treasurer, and such other officers as they may deem necessary; and the said treasurer, before he enters upon the duties of his office, shall execute a bond to said company, with security, to be approved by the directory, in such penalty as they may deem necessary, conditioned that he will well and truly, in all things, perform the duties of his office; and, whenever a demand shall be made on him by the directory, or its authorized agent, pay over, as they may direct, all sums in his hands as treasurer, and hand over all books and papers belonging to the company; and the said treasurer shall continue in office until the directory shall make another appointment: *Provided*, that no person but a stockholder shall hold the office of president or director.

§ 5. That upon the election and qualification of said directors, they shall be a body politic and corporate, by the name and style of the Newport and Licking turnpike and plank road company; and, by said name, said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing and selling lands and tenements, as the same may be deemed necessary, by said directory, in the construction and keeping up of said road; to sue and be sued, plead and be impleaded, answer and be answered, in all courts and places; contract and be contracted with, to have a common seal, or to use a scroll instead thereof, and generally to do every thing which may be requisite, and not contrary to the intention of this act.

§ 6. That the president and directors, after their election, shall make a call upon the different stockholders for payment upon their several subscriptions, which call may be made in such manner as they shall deem right and just: *Provided*, that the first call shall not be over twenty per centum on the amount subscribed, and may be less, in the discretion of said directors: *And, provided further*, that all subscribers paying as much as twenty per centum, as aforesaid, at the first payment or call, shall be entitled to a notice of forty days upon any subsequent call.

§ 7. That every stockholder shall be entitled to one vote on each share owned by him, to the number of four, and shall be entitled to one vote for the next two shares, and for every four shares thereafter shall be entitled to one vote only.

§ 8. That the certificate of the president, countersigned by the treasurer, shall be evidence of ownership of stock in said company, and the same shall be transferable on the books of the treasurer, in person or by attorney, when all arrearages shall have been paid, and not until then.

§ 9. That the president may call meetings of the board of directors at such times and places as he may think proper; a majority of the directors shall constitute a quorum; and in the absence of the president, a majority of said directors, as aforesaid, may elect a president *pro tempore*: *Provided*, that if, by the death of the president, or other cause, a meeting should not be so called when the business of the company shall demand it, any two of the directors may call the same, first having given reasonable notice of the time and place of meeting, in such manner as said board of directors shall determine. Said board of directors shall have full power to pass all by-laws deemed necessary to promote the interest of the stockholders, and to superintend the construction of said road, and the management and government of the same.

1851.

Corporation
powers.May make calls
on stock.Each share en-
titled to one
vote.Certificate of
stock assignable

1851.

When toll gate
may be erected:

§ 10. Whenever four miles of said road shall be completed, and a bridge built across Three Mile creek, as aforesaid, said company shall have power to erect a gate, at which they may charge toll, as though there was five miles of road done; which gate shall not be erected within less than half a mile of the present city limits of Newport; and when said road shall be completed the whole distance mentioned in this act, said company may erect another gate, not nearer than four miles of the first one, at which they may charge half toll; and said company may charge the same rates of toll as are allowed and prescribed by an act, entitled, an act regulating the tolls on turnpike roads in which this commonwealth is a joint stockholder, and for other purposes, approved February 25, 1842; and all of the general laws of this commonwealth relating to turnpike roads, and not inconsistent with this act, may be considered as a part hereof: *Provided*, that it shall be lawful for the city of Newport, or of any other city or town, or the council or the trustees thereof, to subscribe for stock in said company, for the use and benefit of such city or town; also, for the county court of any county in this state, in its corporate capacity, to subscribe stock in said company, in like manner, for the use and benefit of such county.

Approved March 24, 1851.

CHAPTER 626.

AN ACT to reduce into one the several acts concerning the town of Campbellsville, in Taylor County.

Election of
trustees.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the prudential, fiscal, and municipal concerns of the town of Campbellsville, as now laid out and defined, shall be vested in seven trustees, who shall be elected annually, on the second Monday in May, by the free white male inhabitants, over twenty-one years of age, who shall have been *bona fide* residents in said town six months next preceding the election; said trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and qualified; said trustees, before they enter upon the duties of their office shall take an oath before some justice of the peace, that they will faithfully and impartially discharge their duties.

May elect a
chairman, his
duties & powers

§ 2. That said trustees shall proceed, after their qualification, to elect one of their number chairman, who shall preside at their meetings, and have power to convene the board, and shall see that all the ordinances and by-laws of the town are duly executed.

Name and style.

§ 3. That said trustees, and their successors in office, shall be a body politic and corporate, by the name and

1851.

style of the board of trustees of Campbellsville; and, by that name, shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and of being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and do all acts and things which a body politic or corporate, having perpetual succession, can lawfully do.

§ 4. That said trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and side-walks of said town, or those which may hereafter be opened, and may direct the improvement of the same as they shall deem most beneficial to the interest of the town. They shall have power to levy and collect an *ad valorem* tax upon the property of said town, not exceeding fifteen cents on the hundred dollars in any one year, and a poll tax on each white male over the age of twenty-one years, not exceeding one dollar; they shall have power to tax auction sales, shows, and exhibitions for money or profit, such sum as they, by their by-laws, may declare; they shall have power to suppress all tippling houses, and to fine all those who may violate their laws any sum not exceeding twenty dollars for each offense, except for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, and tippling houses, where the penalty may be one hundred dollars, which may be recovered before the police judge hereinafter provided for, or any justice of the peace of Taylor county; they shall have power to remove all disorderly itinerant free persons of color from within the limits of said town; they shall have power to declare what are nuisances, and remove the same; they shall power to provide for the security of said town against fire, by organizing a fire company, defining their duties, and punishing, by fines, those who shall fail to perform the duties required of them; they shall have power to inflict a fine of one dollar for a failure of any member to attend a meeting of the board; they shall have power to fill all vacancies, to pass all by-laws and ordinances necessary for the carrying into effect all the powers herein granted, and executing all the provisions of this charter.

§ 5. That it shall be the duty of said trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and take from them, respectively, bonds with approved security, payable to the board of trustees of Campbellsville, and their successors in office, in such penalty as said trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the part of either of said officers, suits may be brought and motions made before any tribunal having jurisdiction

May make conveyances, &c.

May appoint all necessary officers.

1851.

Police judge
and marshal to
be elected.

thereof, in the same manner, and under the same rules and regulations that suits are brought and motions made against other officers for failure of duty.

§ 6. A police judge and town marshal of Campbellsville shall be elected by the free white inhabitants of said town over twenty-one years of age, on the second Monday in May, 1851. The police judge shall hold his office for four years, and the marshal for two years. The police judge, before he enters upon the duties of his office, shall take an oath before some justice of the peace to discharge the duties of his office faithfully and impartially, together with such other oaths as are usually required of public officers. Said police judge shall have jurisdiction, within the limits of said town, of all civil causes of which justices of the peace have jurisdiction. In all criminal cases arising in the county of Taylor, said police judge shall have the jurisdiction, as a court of inquiry, now given by law to two justices of the peace, and shall proceed in like manner as said justices are required by law in criminal cases. He shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power to enter judgments, and award execution accordingly. He shall have power to grant injunctions, restraining orders, writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations now prescribed by the several acts authorizing certain justices of the county court to grant injunctions, writs of *ne exeat*, *habeas corpus*, &c.; and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him, and, upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt: *Provided*, that said fine shall in no case exceed five dollars, nor the imprisonment eight hours. He shall have power to order the marshal to summon a jury in any case cognizable before him, when a jury would be necessary before a circuit court or justice of the peace. It shall be lawful for said police judge to take depositions, and certify the same, to be read as evidence in any cause pending in any courts where the depositions now authorized to be taken by justices of the peace may be read. He shall be entitled to the following fees: for a peace warrant, or for a riot, rout, or unlawful assembly, or breach of the peace, fifty cents; or for issuing a warrant for the violation of any of the ordinances or by-laws of said town, or in any case where the trustees are plaintiffs, twenty-five cents; for swearing a jury, and presiding over it in any case except forcible entry and detainer, fifty cents; for taking recognizance to keep the peace, upon the application of any person, fifty cents, to be

charged to the applicant; for each subpoena, twelve and a half cents; for each original judgment in all civil cases, twenty-five cents; all other fees of said judge shall be the same as allowed by law to justices of the peace for like services, and collected in the same way.

1851.

§ 7. That it shall be the duty of the treasurer and clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of the treasurer to render an account to the trustees of all moneys received and paid out by him, whenever by them required so to do.

Treasurer and clerk, their duties.

§ 8. The police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, deputy marshal, clerk, or other officers of said town, for all sums of money or other thing which may be due from them, or either of them.

§ 9. That from all judgments rendered by said police judge, either party may appeal to the circuit court or county court, under the same rules and regulations authorizing appeals from judgments from justices of the peace to circuit or county courts.

Appeals.

§ 10. That it shall be the duty of the marshal to serve all process and precepts to him directed from the said police judge, and make due return thereof; collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for and pay over the same to those entitled thereto, under the same rules and regulations required of sheriffs in the collection of taxes, and constables in the collection of executions or other demands; and for a failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against sheriffs or constables in similar cases. Said marshal shall have the same power, and be entitled to the same fees for collecting the town tax, that sheriffs have for collecting the county levy and revenue tax, and in all other cases the same fees allowed constables for similar services: *Provided, however,* said judge shall have power and authority to direct his process to be executed by any constable or the sheriff of Taylor county. Said marshal shall be invested with all power and authority which is given constables, in all cases cognizable before said police judge; he shall have power, if need be, to summon the aid of the county to execute any process to him directed; any person or persons failing to aid said marshal, when so summoned, may be fined or imprisoned by said police judge, the fine not to exceed five dollars, nor the imprisonment eight hours.

Duty of marshal

§ 11. That all the fines and forfeitures for a violation of the ordinances or by-laws of said town, and in all cases cognizable before the police judge, shall be collected and paid to the treasurer of said board of trustees, for the use

Fines, &c., how to be applied.

1851.

and benefit of said town; and all moneys collected by a judgment of a justice of the peace, for a violation of any of the ordinances or by-laws of said town, committed within the limits of said town, shall in like manner be paid over to the treasurer.

§ 12. That no money shall be drawn from the treasury, except by order of the chairman, in pursuance of an allowance made by said board of trustees.

§ 13. That the trustees shall have power to impose a tax upon all domestic animals running at large in said town.

Town assess-
or, his duties.

§ 14. That the trustees shall annually appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, her, or their whole estate within said town, subject to taxation under the laws of this commonwealth; which list shall be taken in the same manner that the revenue lists are now, or may hereafter be taken.

§ 15. That it shall be the duty of the clerk of the board of trustees to make out and deliver to the collector a fair copy of the assessor's book, with the amount of tax to be paid by each individual, and take his receipt therefor; and the trustees shall, by their warrant, authorize and direct the collector to collect the same; and shall make said clerk, assessor, and collector such compensation as they may deem proper.

§ 16. That the trustees shall have power to repair and keep in order the public wells and springs of said town, at the common expense.

§ 17. The trustees shall cause all by-laws and ordinances passed by them, from time to time, to be recorded in the journal of their proceedings, and post up a copy of the same on the door of the court house in said town.

Sidewalks
may be paved.

§ 18. That said trustees may cause the sidewalks in said town to be curbed and paved, as they may direct, the costs whereof shall be apportioned and assessed against the owners of said lots fronting said sidewalks; and a lien is given on said lots for the same, or the board of trustees, in their discretion, may cause said lots to be rented out until said improvements are paid for.

§ 20. That all titles, by deeds and conveyances, heretofore made to former trustees of said town, all powers and authority given them, from time to time, by the legislature, not repugnant to this act, be and the same are hereby vested in the trustees, and their successors in office, when elected, who are authorized to be elected under this act.

Trustees may
appoint officers
of elections.

§ 21. It shall be the duty of the trustees, in every year, at least ten days before the annual election, to appoint two competent persons as judges of the election, who, being first sworn before the police judge or some justice of the

peace, shall, in conjunction with the clerk of said boards, hold an election for trustees, as heretofore provided: *Provided*, that if the said trustees, at any time, shall fail or refuse to appoint the judges for conducting the election of trustees, the county court of said county shall, at their next or some succeeding court, on the application of any person, appoint judges and a clerk to conduct said election, and fix a day therefor.

§ 22. The said trustees shall have full power and authority to open any street or alley which may be, or shall hereafter be closed, if, in their opinion, the opening of said alley or street, so inclosed, will add to the convenience of the citizens of said town.

May open streets
and alleys.

§ 23. That for any tax to be levied, under this law, upon the personal or real property in said town, there shall exist a lien in favor of the trustees of said tax, unless the same shall be paid; and in case the owner or owners of said property, or some one for them, shall fail to pay such tax on or before the first day of September in each year, it shall be lawful for said trustees, by their town collector, to sell, at the court house door in said town, at the October county court, so much of said real estate as will pay off and discharge the tax due thereon, which shall vest the purchaser with title and the right to hold the same: *Provided, however*, that the owner or purchaser of any such real estate so sold, their heirs, administrators or executors, may, at any time within twelve months from the day of sale, redeem the same, by paying or tendering to the purchaser, or, in case of his absence or removal, to the clerk of the board of trustees, the sum for which it sold, with ten per cent. per annum thereon from the time of sale to the day of payment or tender; and if the owner of any property so sold shall fail to pay and redeem the same within one year, the trustees shall, if required so to do, convey the said estate, so sold, to the purchaser.

Lien given for
payment of tax.

§ 24. That Robert Colvin and James W. Lively, as judges, and A. F. Gowdy, as clerk, shall, after giving notice thereof, proceed to hold the first election of trustees under this act, at the court house in Campbellsville; and should any one or more of them be absent, those remaining may fill the vacancy.

§ 25. The boundaries of said town shall be and remain as they are now fixed by law.

Approved March 24, 1851.

CHAPTER 627.

AN ACT to incorporate the Mississippi and Nashville Railroad Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of establishing a

Company
formed.

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communication, by railroad, from some convenient point on the Mississippi river, in the state of Kentucky, to the city of Nashville, in the state of Tennessee, the formation of a company is hereby authorized, which, when formed, shall have corporate existence in each of the states aforesaid, by the name and style of the Mississippi and Nashville railroad company.

Capital stock.

§ 2. That the capital stock of said company shall be the sum of two million five hundred thousand dollars, in shares of one hundred dollars each; and books for the subscription of the capital stock thereof shall be opened and re-opened at such times and places as the commissioners hereinafter appointed, or any three of them, may appoint or designate, and to be kept open until the whole of the stock is taken, unless the said commissioners shall deem it expedient to close them sooner, which they are hereby authorized to do. And the said commissioners, or any three of them, may appoint an agent or agents to open books for the subscription of stock at any time, and at any place or places they may deem expedient, and shall have power to remove any such agent or agents, and appoint others.

Stock, how to be paid.

§ 3. That there shall be paid by each person subscribing for stock in said company, at the time the subscription is made, the sum of fifty cents upon each share of stock so subscribed; and it shall be the duty of the commissioners, or their agent or agents receiving such subscriptions, to execute a receipt for the same.

Commissioners.

§ 3. That the following persons be and they are hereby appointed commissioners for the purposes of this act, viz: In the county of Hickman, W. H. H. Taylor, F. T. Taylor, William Cook, James Moore, Samuel P. McFall, and A. G. Meriwether; in the county of Fulton, E. J. Bullock, Rufus Dodds, and James W. Gibson; in the county of Ballard, C. A. Wickliffe, jr., Jacob Corbit, Q. B. Quigley, and A. J. Warden; in the county of Graves, John Eaker, R. L. Mayes, and W. G. Blount; in the county of Calloway, E. Card, D. Matthewson, N. Bowman, Charles Curo, and W. W. Williams; in the county of Marshall, Alfred Johnson, Philander Palmer, and M. H. Eggner; in the county of Trigg, M. Mayes, A. T. Noe, and Mark Tyler; in the county of Christian, John T. Campbell, John R. Knight, John D. Morris, W. J. Davie, and B. E. Grey; in the county of Todd, John Billingsby, N. Fox, J. W. Kendall, B. D. Smith, and Thomas Kembrough; and in the city of Nashville, John M. Ross, James Overton, John M. Hill, George W. Martin, Thomas Washington, John Shelby, Godfrey M. Fogg, John W. Walker, Jacob McGavock, J. Hugh Smith, W. W. Woodfolk, A. Vanleer, Samuel Watkins, Thomas Wells, John Thompson, Joseph B. Knowles, Felix R. Rains, Pleasant Smith, J. J. Gill, John Nichol, West H. Humphreys, A. V. S. Lindsley, Alexander Alison, V. K. Stevenson, James

A. Porter, John Bell, F. B. Fogg, and Alexander Wilson ; and in Montgomery county, Tennessee, G. A. Henry, E. Munford, Walter Draine, F. G. Irwin, Thos. Cross, F. A. Hammon, and Thos. Barksdale.

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Duty of commissioners.

§ 5. That the said commissioners shall, respectively, deposit all the money received by them in some incorporated specie paying bank in the state where the subscription shall have been received, to the credit of the said company; and it shall be the duty of the said commissioners to make out a list of the names of the stockholders, and the number of shares taken by each, and the amount of money received on subscriptions, and the bank or banks in which the same has been deposited, and lay the same before a meeting of the commissioners to be held at Nashville, Tennessee, on the first Monday in May, 1852, or at such time as the commissioners, or a majority of those who act shall appoint; and if it is found that stock to the amount of five hundred thousand dollars has been subscribed for in said company, and on each share there has been paid the sum of fifty cents, the said company shall be regarded as formed; and from thenceforth the persons who have so taken stock shall form a body corporate and politic, in deed and in law, by the name and style, and for the purposes aforesaid; and in all things to be represented by the commissioners aforesaid, until the election of a board of directors. And for that purpose, it shall be the duty of the commissioners, or any three of them, to cause notice to be given in one or more newspapers published in the cities of Nashville, Tennessee, and Louisville, Kentucky, and in such other papers as the commissioners may deem proper; and in said notice the commissioners shall fix the time and place of the meeting of the stockholders of said company, which notice shall be published at least for one month previous to the time for which such meeting may be fixed; at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company, and to enact all such regulations, rules, and by-laws as may be necessary for the government of the corporation, and the transaction of its business. The persons elected directors at this meeting shall serve for such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places where the subsequent elections are to be held; and such elections thenceforth shall be annual. But if the day of any of the annual elections shall pass without any election of directors, the corporation shall not thereby be dissolved; but it shall be lawful, on any other day, to hold and make such elections, in such manner as may be prescribed by a by-law of the corporation. That the board shall consist of fifteen directors, or more or less, as the stockholders may determine at any of their annual meet-

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ings for the election of stockholders ; and said board of directors shall have power to appoint a secretary and treasurer, and such other officers and agents as they may deem necessary, and to take from them bond with security for a faithful discharge of the duties of their respective offices, agencies, or trusts ; and for any breach of the conditions, or any covenant in said bond or bonds, the said company may institute and carry on a suit or suits for the recovery of any damages sustained by a breach of the condition, or any covenant in said bonds.

Vacancies,
how filled.

§ 6. The board of directors may fill up all vacancies which may occur in it during the period for which their board shall have been elected ; and, in the absence of the president, may fill his place by electing a president *pro tempore*.

§ 7. All contracts and arrangements, authenticated by the president of the board, shall be binding on the company, without seal ; or such other mode of authentication may be used as the company, by their by-laws, may adopt.

Limit of con-
tracts.

§ 8. The board of directors shall not exceed, in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the board ; and in case they shall do so, the president and directors who may be present at the meeting at which such contract or contracts, so exceeding the amount aforesaid, shall be made, shall be jointly and severally liable for the excess, both to the contractor or contractors and the corporation : *Provided*, that any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the board, and giving notice thereof to the next general meeting of the stockholders.

§ 9. The said company shall have the exclusive right of transportation or conveyance of persons, goods, merchandise, and produce over the said railroad by them to be constructed : *Provided*, that the charge of transportation or conveyance shall not exceed thirty-five cents per hundred pounds on heavy articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and four cents per mile for every passenger : *And, provided also*, that the said company may, when they see fit, farm out their rights of transportation on said road, subject to the rates above mentioned.

Calls on stock,
how to be made

§ 10. The board of directors may call for the payment of twenty-five dollars on each share of stock, in sums not exceeding two dollars, in every thirty days : *Provided*, that twenty days' notice be given of such call in at least one public newspaper of the state in which any of the stockholders may reside ; and a failure to pay, or secure to be paid, according to the rules of the company, any of the instalments so called, as aforesaid, shall induce a forfeiture of

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the share or shares on which default shall be made, and all payments thereon, and the same shall vest in and belong to the company, and may be restored to the owner or owners by the board of directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon; or the directors may waive the forfeiture after thirty days' default, and sue the stockholders for the instalments due, at their discretion.

§ 11. The stock of said company may be transferred in such manner and form as may be directed by the by-laws of said corporation.

§ 12. The said company may at any time increase its capital to a sum sufficient to complete the said road, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting; and any state, or any citizen, corporation, or company, of this or any other state or country, may subscribe for and hold stock in said company, with all the rights, and subject to all the liabilities of any other stockholder.

Capital stock
may be increased.

§ 13. The board of directors shall, at least once in every year, make a full report on the state of the company, and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law; and shall have power to call a general meeting of the stockholders, when the board may deem it necessary.

Annual statement to be made

§ 14. No person but a citizen of the United States, and being a *bona fide* stockholder, in his own right, of at least twenty shares, which he shall have held at least three months previous to his election, (except the first election,) shall be president or a director of the company; nor shall any stockholder vote, in person or by proxy, at any general or other election, (except the first,) who shall not have held, in his own right, the shares on which he offers to vote, at least three months previous to such election.

Who eligible
as president &
directors.

§ 15. Stockholders may vote in person or by proxy; and in the election of directors, and in voting on all questions which come before a meeting of stockholders, or which may be submitted to a meeting of stockholders, the vote shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three votes; the owner of not less than seven nor more than eight shares, shall be entitled to four votes; the owner of not less than nine nor more than eleven shares to five votes; the owner

Scale in voting.

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of not less than twelve shares nor more than fifteen, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven shares nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of every ten shares above fifty, shall be entitled, therefor, to one vote: *Provided*, that no individual, corporation, or company shall be entitled to more than five hundred votes.

May hold land,
&c.

§ 16. The said company may purchase, have, and hold in fee, or for a term of years, any lands, tenements, or hereditaments which may be necessary for said road, or appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants, or agents of the company, or for work-shops or foundries to be used for the said company, or for procuring timber, stone, or other materials necessary for the construction of the road, or its appurtenances, or to effecting transportation thereon.

No public road
to be obstructed

§ 17. The said company shall have the right, when necessary, to construct the said road, or any branch thereof, across or along any public road or water course: *Provided*, that said road and the navigation of such water course shall not be thereby obstructed: *And, provided further*, that such railroad shall not be located so near any turnpike road as to injure or prejudice the interests of the stockholders in such turnpike road, except upon such terms as may be agreed upon by the president and directors of the same, on behalf of the stockholders.

May erect
bridges.

§ 18. The said company may purchase, have, and hold any bridge or turnpike road over which it may be necessary to carry the said railroad; and, when such purchase is made, to hold the said bridge or turnpike road, on the same terms, and with all rights which belong to the individual or individuals, or corporation from which such purchase may be made: *Provided*, that the said company shall not obstruct any public road, without constructing another as convenient as may be.

Right of way,
how acquired.

§ 19. Where any lands or rights of way may be required by the said company for the purpose of constructing their road, and for want of agreement as the value thereof, or, from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation, to be made by five commissioners, or a majority of them, to be appointed by the circuit court of the county where some part of the land or right of way is situated; and the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall take into con-

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consideration the loss or damage which may occur to the owner or owners in consequence of the land being taken, or the right of way surrendered, and also the benefits and advantage he, she, or they may receive from the erection or establishment of the railroad or works; and shall state particularly the nature and amounts of each; and the excess of loss and damage, over and above the benefit and advantage, shall form the measure of valuation of the said land or right of way. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the proceedings shall appeal from the valuation to the next session of the court granting the commission, and give reasonable notice to the opposite party of such appeal, the court shall order a new valuation to be made by a jury, who shall be charged therewith, in the same term, or as soon as practicable; and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the lands or right of way, so valued by the commissioners or jury, shall vest in the said company, in fee simple, so soon as the valuation may be paid, or, when refused, may be tendered. Where there may be an appeal, as aforesaid, from the valuation of commissioners, by either of the parties, the same shall not prevent the works intending to be constructed from proceeding; but where the appeal is by the company requiring the surrender, they shall be at liberty to proceed in their works only on condition of giving to the opposite party a bond, with good security, to be approved by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, conditioned for the payment of said valuation, and interest, in case the same be sustained; and, in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the court: *Provided*, that when the lands cannot be had by gift or purchase, the operations of the work are not to be hindered or delayed during the pendency of any proceeding to assess its value, as aforesaid; nor shall any injunction or supersedeas be awarded by any judge or court to delay the progress of said work.

§ 20. In the absence of any contract with the said company in relation to lands through which the said road may pass, signed by the owner thereof, or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner, it shall be presumed that the land upon which the said road may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the company by the owner

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thereof; and the said company shall have good right and title thereto, and shall have, hold, and enjoy the same as long as the same be used only for the purposes of the road, and no longer, unless the person or persons owning the said land at the time that part of the road which may be on said land was finished, or those claiming under him, her, or them, shall apply for an assessment for the value of said lands, as hereinbefore directed, within five years next after that part of said road was finished; and in case the said owner or owners, or those claiming under him, her, or them, shall not apply for such assessment within five years next after the said part was finished, he, she, or they shall be forever barred from recovering the said land, or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of *femes covert* or infants, until two years after the removal of their respective disabilities.

Penalty for intruding on said road.

§ 21. If any person shall intrude upon the said railroad, or any part thereof; by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, on contrary to the will of said company, he, she, or they shall forthwith forfeit to said company all the vehicles that may be so introduced on said road; and the same may be recovered by suit at law; and the person or persons, so intruding, may also be indicted for misdemeanor, and, upon conviction, fined and imprisoned by any court of competent jurisdiction.

Penalty for obstructing the road.

§ 22. If any person shall wilfully and maliciously destroy, or in any manner hurt, damage, or obstruct the said railroad, or any bridge, or any vehicle used for or in transportation thereon, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six months nor less than one month, and pay a fine not less than twenty dollars; and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person, so offending against the provisions of this section, to defend himself by pleading or giving in evidence that he was the owner, or agent, or servant of the owner of the land where such destruction, hurt, damage, injury, or obstruction was done or caused, at the time the same was caused or done.

§ 23. Every obstruction to the safe and free passage of vehicles on the said road shall be deemed a public nuisance, and may be abated, as such, by an officer, agent, or servant of the company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance.

§ 24. The said company shall have the right to take, at the store houses they may establish or annex to their railroad, all goods, wares, merchandise, and produce intend-

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ed for transportation; prescribe the rules of priority; and charge and receive such just and reasonable compensation for storage as they, by rules, may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, that the said company shall not charge or receive storage on goods, wares, merchandise, or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

§ 25. The profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may hold.

May declare
dividends.

§ 26. The said company is hereby especially prohibited from carrying on any banking operations, but may effect insurances on lives and property transported on the road.

§ 27. Whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the company to construct said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the land of any individual, it shall be their duty to provide for such individual a proper wagon way or ways across said road, from one part of his land to the other.

§ 28. The said company shall possess such additional powers as may be convenient for the due and successful execution of the powers granted in this charter, and for the successful construction and management of the work.

§ 29. This charter shall be amendable, from time to time, by the legislature, whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the legislature, and submitted to the directory, and be accepted and adopted unanimously by the president and directors, they shall be obligatory on the stockholders, and not otherwise.

§ 30. The president, directors, clerks, agents, officers, and servants of said company shall be exempt from military duty, except in cases of invasion or insurrection; and shall also be exempt from serving on juries, and working on public roads.

§ 31. The company shall have full power and authority to purchase and own such number of slaves as may be

May own slaves

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necessary for the construction of the said road, and for keeping the same in repair.

§ 32. If, by decree or otherwise, the said corporation shall be dissolved, the president and directors of said company are created trustees, with such powers only as may be necessary to collect the debts due the company, preserve the property, pay the debts, and distribute the property and effects of the company to those who may be entitled thereto, under the charter.

When road to
be commenced.

§ 33. The railroad authorized by this act shall be commenced within ten years after the passage of this act, by both the states of Kentucky and Tennessee; and shall be finished within thirty years thereafter; otherwise the charter hereby granted shall be void.

§ 34. Any individual or individuals, company, or body corporate, with the permission of the legislature of this state, may hereafter construct branches to unite with the railroad hereby chartered; and it shall be the duty of said company, when required, to receive on their road the full loaded freight cars from such branches, and transport the same to their destination, and return them, without changing the loads thereof, or charging for the transportation of the goods, wares, merchandise, and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandise, and produce in their own cars: *Provided*, that the company shall not be compelled to receive such cars on their road, unless they are constructed in the same manner, and are of equal strength with their own cars, of which the engineer of the main road shall be the judge: *And, provided*, that the company shall not be required to receive any cars from such branches, without receiving payment for at least twenty miles of transportation: *And, provided also*, that the said company shall be entitled, in all respects, to similar and equal privileges on such branches constructed to unite with their road, subject to the same restraints.

§ 35. That the acts of a majority of the directors shall, in all cases, be valid and binding, in all matters required or permitted to be done by this act, by the board of directors, or by the directors, except wherein it is specially otherwise provided.

§ 36. That this act shall not take effect until the same shall have been adopted and enacted by the legislature of the state of Tennessee.

Approved March 24, 1851.

CHAPTER 628.

AN ACT to amend the charter of the town of Crittenden, in Grant county.

Repealing
clause.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws and parts of laws relating to

the town of Crittenden, in Grant county, be and the same are hereby repealed.

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Boundaries
of the town.

§ 2. That the town of Crittenden, in the counties of Grant and Kenton, be and the same is hereby established, and shall be contained within the following boundaries, viz: beginning at a stake ten poles north of the point where the old turnpike gate stood on the Lexington and Covington turnpike road; thence west forty poles to a stake in a field formerly Charles Daniel's; thence north twenty-five, west thirty-eight poles to another stake in said field; thence north two, west one hundred and twenty-two poles, crossing the Allphin road, to a stake in the land of Alvin Kyes; thence east one hundred and sixty poles, crossing the Sayer's road, to a stake in Preston Cummings' field; thence south two, east one hundred and twenty-two poles to a stake near a branch; thence south twenty-five, east thirty-eight poles to a stake on a hill side; thence west to the beginning; and the same is hereby incorporated, under the name and style of the town of Crittenden; and by that name, may sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this commonwealth; may make, have, and use a common seal, and alter, break, or renew the same at pleasure; and shall have and exercise all such powers and privileges as usually appertain to bodies politic and corporate.

Election, when
to be held.

§ 3. That on the first Monday in April next, and on the first Monday in April annually thereafter, an election shall be held, in the town of Crittenden, for the choice of chairman and six trustees for said town; and at said elections all qualified voters of said town, resident six months preceding the election of said chairman and board of trustees, and all qualified voters of this commonwealth owning real estate within the limits of said town, shall be permitted to vote; and at the first election, any two of the following named persons shall act as judges thereof, to-wit: V. R. Washburn, C. C. Stephenson, S. W. Chambers, John W. Finley, Elias More, William R. Jones, and R. S. Baker, who, before holding said election, shall take an oath before some justice of the peace of one of the counties of Grant and Kenton, faithfully to discharge the duties of judges of the election, as aforesaid; and shall have power to appoint a clerk for the occasion, who shall take a similar oath; and shall issue and deliver to that person who shall have received the largest number of votes for the office of chairman of the board of trustees, a certificate of his election, and like certificates to each of the six persons who shall have received the highest number of votes for the office of trustees of said town, as well as to all officers of said town; shall thereafter be conducted by the board of trustees; and the certificates above provided for shall be issued and delivered by the clerk of said board; and the said judges, so

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acting, shall appoint the place, within the limits of said town, at which the first election shall be held; and afterwards the election of officers of said town shall be held at such place as the board of trustees shall designate; and they shall give notice thereof at least ten days before the several elections, by written advertisement posted up at three or more public places within said town.

Qualifications
of chairman.

§ 4. The chairman shall be a citizen of the town at least six months preceding the election for the same, and shall hold his office for twelve months from the day of his election, and until his successor is duly elected and qualified. He shall preside over the board of trustees at their several meetings; but shall have no vote, except in case of a tie. He may convene the board at any time, by giving one day's notice, in writing, to the members thereof; and he shall have the general executive authority of the town. He shall, before entering upon the discharge of his duties, take the oath of office required by the constitution of this commonwealth.

Term of office.

§ 5. The trustees of the town of Crittenden shall hold their offices for the term of twelve months from the day of their election, and until their successors are duly elected and qualified. They shall each, before entering on the duties of their offices, take the oath required by the constitution of this commonwealth. They shall hold their regular meetings at least once a month, at such time and place as they may designate; and shall have power to enact by-laws for the government and police of said town, and provide for the observance thereof by fine and imprisonment, either or both; and, for this purpose, they may, with the consent of the county court of either of the counties of Grant and Kenton, use the county jail. They shall have the exclusive supervision and control of the streets and alleys of said town, and shall have power to provide for the improvement, opening, and repair of the same, in such manner, and by such means as they shall deem expedient and proper. They shall have power to lay and provide for the collection of a tax on the inhabitants and property of said town, not exceeding twenty-five cents on each one hundred dollars worth of taxable property within the limits of said town, and seventy-five cents on each titheable, and upon any circus, menagerie, theatrical, or other exhibition within the limits of said town. They shall annually appoint a clerk for said town, and regulate his duties and compensation, besides the duties and compensation of any of the other town officers, whose duties and compensation are not herein prescribed. They shall have power to make rules for the government of their own deliberations, fill all vacancies that may occur in their own body, and in the office of chairman, and, in cases of the absence of the chairman, shall appoint a chairman

Powers further
defined.

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pro tempore. Four trustees shall constitute a quorum to do business ; but a less number may adjourn from day to day, and take steps to compel the attendance of absentees : *Provided*, that nothing herein contained shall be so construed as to authorize the passage of any act, rule, or regulation by said board of trustees, contrary to the constitution and laws of the United States or of this commonwealth.

§ 6. A marshal for said town shall be chosen by the qualified voters thereof, biennially, at the same time and place that the trustees are elected, who shall be a resident of said town six months preceding his election, and who shall hold his office for two years, and until his successor is duly qualified ; who, before entering upon the duties of his office, shall take the oath prescribed by the constitution and laws of this commonwealth for constables, and enter into bond, payable to the commonwealth, with sureties, to be approved by the board of trustees, similar to the bonds of a constable, which shall have the same force and effect that bonds of constables have ; and the said marshal, and his sureties, shall be liable to like actions thereon. His duty shall be to execute, by himself or deputies, all process for any infractions of the town laws, and any other process issued by the police judges of said town, to him directed and delivered, and all notices within either of the counties of Grant and Kenton, that constables are now by law authorized to execute, and shall receive the same fees therefor that constables do for similar services ; and to do and perform such other duties as may be, from time to time, prescribed by said board of trustees : *Provided*, that said marshal shall not have power to execute any process in Kenton county, outside of the limits of said town.

Town marshal
to be elected.

§ 7. A treasurer for said town shall be chosen, who shall be a resident of said town six months preceding his election, by the qualified voters thereof annually, at the same time and place that the trustees are chosen ; who, before entering on the duties of his office, shall execute bond, payable to the town of Crittenden, with good security, to be approved by the board of trustees of said town, in such penalty as may be prescribed by said board, conditioned for the faithful performance of his duties ; and to account for and pay over all moneys which may come to his hands, and take an oath of office.

§ 8. All fines assessed and collected for any breach of the laws of this commonwealth, accruing within the limits of the town of Crittenden, shall be paid, by the officer collecting the same, into the treasury of said town ; and for all riots, routs, unlawful assemblies, and breaches of the peace, accruing within the limits of said town, when the same may be tried before any justice of the peace or the

Fine fines to
be applied.

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Police judge
to be elected.

police judge, a fine of fifty dollars or less may be assessed, at the discretion of a jury.

Jurisdiction
and powers.

§ 9. There shall be elected by the qualified voters of said town, on the said first Monday in April, 1851, and biennially thereafter, a police judge, who shall be styled the police judge of the town of Crittenden, commissioned by the governor, to continue in office two years from the day of his election, and until his successor is duly elected and qualified: *Provided*, no person shall be eligible to the office of said judgeship, who is not a resident of said town six months preceding his election; and, before he enters on the duties of his office, he shall take the oath prescribed by the constitution. He shall have the same jurisdiction, in civil cases within said town, that justices of the peace now have in this commonwealth; and appeals from his decisions shall lie to the circuit and county courts of Grant, under the same rules and regulations prescribed by law for appeals from the decisions of justices of the peace. He shall have the same jurisdiction of all criminal offenses, committed within the said town of Crittenden, that two justices of the peace now have by law. He shall be a conservator of the peace, and have the same power to punish breaches thereof that justices of the peace have. All process issued by him shall be made returnable before him; and he shall have power to issue executions on all judgments rendered by him, and all other process, and make all orders necessary for the complete and sufficient exercise of the judicial powers hereby vested in him. He shall also have power to punish, by fine or imprisonment, or both, all contempts of his authority, not exceeding ten dollars, and twenty-four hours imprisonment, for each offense, at his own discretion. All process issued by him shall run in the name of the commonwealth of Kentucky, and, in civil cases, be directed to and executed by the marshal of said town, who shall have power to execute the same in the limits of said town, and have the same fees therefor that constables are now allowed by law for similar services, or that are allowed to any constable in this commonwealth. In penal and criminal cases, his process shall be directed to the marshal of said town, or to any constable or sheriff of this commonwealth. The said police judge shall have the same power that the justices of the peace, appointed for that purpose by the county courts, have to grant attachments, injunctions, restraining orders, and writs of *ne exeat* for the county of Grant. He shall have power to cause a jury to be summoned, in all cases before him where a jury may be required and allowed by law. He shall hear and determine all motions against the town marshal for any and all failures; properly, and according to law, execute and make due return of all process to him directed, and which shall come to his hands, and for all failure of the

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said marshal to account for and pay over any moneys by him collected on executions or other process, or otherwise. He shall have the same power to take and certify depositions that justices of the peace have, which shall be allowed to be read as depositions are now allowed to be read, taken before and certified by justices of the peace. He shall have exclusive jurisdiction of all offenses against the by-laws and ordinances of said town. He shall have power to administer all oaths by law authorized to be administered; and a violation of any oath in such cases administered by him, shall subject the person, so violating the same, to all the pains and penalties of the crime of perjury. He shall have the following fees for his services, to-wit: for issuing a peace warrant, or warrant for the apprehension of any criminal offender, fifty cents; for one defendant, and for each additional offender charged in the same warrant, ten cents; for a warrant for a violation of any of the by-laws or ordinances of said town, thirty cents for one offender, and ten cents for each additional offender charged in the same warrant; for a subpoena for one witness, fifteen cents; for swearing a jury, and presiding over a trial by a jury, fifty cents; for hearing and determining a motion against the marshal of said town, or any constable, one dollar; for each original judgment in civil cases, twenty-five cents; for granting an attachment, injunction, or writ of *ne exeat*, fifty cents; and for all other services, the same fees that are now allowed by law to justices of the peace for similar services. The said police judge shall hold a court within said town, in the months of January, March, May, July, September, and November, on the first Monday in each, to continue six days, if the business should require it; and no judgment in civil cases shall be rendered by him, unless the process therein shall have been executed at least five days previous to the first day of the term of his court; but the same shall be continued until the next term; and he shall grant changes of venue to the nearest justice of the peace, unless the parties should otherwise agree, under the same rules and regulations prescribed for granting changes of venue by justices of the peace. He shall keep a complete record of all proceedings had before him, and certify copies of the same, whenever it shall be required of him; and copies, so certified by him, shall be evidence in all courts of this commonwealth, for all purposes for which they may be lawfully used.

His Sec.

§ 10. That so soon as a police judge shall have been elected, as provided for in this act, the persons appointed by this act to conduct the first election, as judges, shall certify said election of the police judge to the governor, so that a commission may be issued; and afterwards the

1851. same duty shall be performed by the board of trustees of said town.

Approved March 24, 1851. .

CHAPTER 630.

AN ACT for the benefit of Charles C. Kelly, Clerk of the Washington Circuit Court.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles C. Kelly, clerk of the Washington circuit court, may settle with the auditor his list of taxes for the October term, 1850, upon his affidavit being filed therewith said list is correct, he (the said Kelly,) having failed to file the same in court, owing to criminal trials which occupied him during the time of said court.

§ 2. That the said auditor may receive from said Kelly a list of fines imposed at the April term, 1850, of said court, verified by oath; and that said Kelly, as trustee of the jury fund of said court, may file his report with said auditor, sworn to by him; and that the said auditor shall receive the same, and settle thereby.

Approved March 24, 1851.

CHAPTER 631.

AN ACT to incorporate the Newport Safety Fund Bank of Kentucky.

Bank incor-
porated.

Capital stock.

Duration of
corporation.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby established a bank, by the name of the Newport safety fund bank of Kentucky, with a capital of one hundred thousand dollars, which may be increased to three hundred thousand dollars, in the manner hereinafter specified; which capital shall be divided into shares of one hundred dollars each, and to be subscribed and paid for by individuals, companies, and corporations, as hereinafter directed; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the Newport safety fund bank of Kentucky, and shall so continue a body politic and corporate until the first day of May, 1880; and by that name, under the restrictions hereinafter named, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts or places, in all matters whatsoever, as natural persons, with full power to acquire, hold, possess, occupy, and enjoy, and also to sell, convey, and dispose of, all such real estate, goods, effects, and chattels as shall be convenient for the transaction of its business, or which may be conveyed to said bank as surety for or in

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satisfaction of any debt, or purchased in satisfaction of any judgment or decree in favor of the bank, or in the purchase of any property on which said bank may have a lien; and said bank may have and use a common seal—change, alter, and renew the same at pleasure; and it may ordain and put in execution such by-laws, rules, and regulations for a good government of its affairs, as may be thought most proper: *Provided*, that they be not contrary to the constitution and laws of this state, or the United States.

§ 2. The said bank shall have and keep its office of discount and deposit in the city of Newport; the business shall be, discounting bills, notes, and other evidences of debt, receiving deposits, buying and selling gold and silver bullion, foreign coins and bills of exchange, loaning money on real and personal security, and may exercise such incidental powers as shall be necessary to carry on such business.

Location of the bank.

§ 3. The first auditor of the state is hereby authorized and required to cause to be engraved and printed, in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes, in blank, of the different denominations authorized to be issued by the incorporated banks of this state, as may be necessary to carry into effect the provisions of this charter, and of such form as he may prescribe; such blank circulating notes shall be countersigned by him, numbered and registered in proper books, to be provided and kept for such purpose in his office, under his direction, so that each denomination of such notes shall be of the same similitude, and bear the uniform signature of said auditor; and, so soon as the president of the aforesaid bank shall lawfully transfer to the said first auditor any portion of the public stock, or state bonds, issued or to be issued by this state—being not less than fifty thousand dollars—the president and directors of said bank shall be entitled to receive from said auditor an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid; but such public stock shall, in all cases, be, or be made to be, equal to the stock of this state, producing five per cent. per annum; and it shall not be lawful for the auditor to take such stock above its par value, nor above its current market value.

Notes, how to be signed.

§ 4. Said circulating notes being signed by the president and countersigned by the cashier of said bank, and made payable on demand at the office of discount and deposit in Newport, Kentucky, may be loaned and circulated as money, according to the ordinary course of banking business, as regulated by the laws and usages of this state. Said notes shall have stamped on their face, "secured by the pledge of state bonds."

Notes may be loaned or circulated as money.

1861.

Proceedings
in case of failure
to redeem notes

§ 5. In case said bank shall, at any time hereafter, on lawful demand, during the usual hours of business, between the hours of 10 o'clock, a. m., and 3 o'clock, p. m., at their banking house in Newport, fail or refuse to redeem any of their said notes, in the lawful money of the United States, the holder of any such note, making such demand, may cause the same to be protested for non-payment, by a notary public under his seal of office, in the usual manner; and the first auditor, on receiving and filing in his office such protest, shall forthwith give notice, in writing, to the president of said bank, to pay the same; and if he shall omit to do so for ten days after such notice, the first auditor shall immediately thereupon (unless he shall be satisfied that there is a good and legal defense against the payment of such note or notes) give notice in the state paper that all the circulating notes issued by said bank will be redeemed out of the trust funds in his hands for that purpose; and it shall be lawful for the first auditor to apply the said trust funds to the payment and redemption of such notes, with costs of protests, and to adopt such measures for the payment of all such notes put in circulation by said bank, as will, in his opinion, most effectually prevent loss to the holders thereof.

Auditor to give
president power
of attorney.

§ 6. The first auditor shall give to the president and directors a power of attorney to receive interest or dividends on the state bonds so pledged, which said president and directors may receive and use for the benefit of the stockholders; but such power may be revoked upon said bank failing to redeem the circulating notes so issued, or whenever, in the opinion of the first auditor, the principal of said stock shall become an insufficient security; and the said auditor, upon the application of the president and directors, may re-transfer the said bonds, or any part thereof, or the mortgages, or any of them, hereinafter mentioned and provided for, upon receiving and cancelling an equal amount of such circulating notes, in such manner that the circulating notes shall always be secured in full, either by state bonds or by state bonds and mortgages, as in this act provided.

Real estate to
be mortgaged.

§ 7. Instead of transferring state bonds, as aforesaid, to secure the whole amount of such bills or notes, it shall be lawful for said bank, in case it shall so elect, before receiving any of such bills or notes, to secure the payment of one half of the whole amount so to be issued, by transferring to the first auditor bonds and mortgages to real estate, bearing at least six per cent. interest, of this state, payable annually or semi-annually; in which case, all such bills or notes issued by said bank shall have stamped on their face, "secured by the pledge of state bonds and real estate." Such mortgages shall be only upon valuable unencumbered lands within this state, and within fifty miles

of Newport, worth, independently of any buildings thereon, at least double the amount for which they shall be so mortgaged; and the first auditor shall prescribe such regulations for ascertaining the title and the value of such lands as he may deem necessary; and such mortgages shall be payable within such time as the first auditor may direct.

§ 8. The first auditor may, in his discretion, re-assign the said bonds and mortgages, or any of them, to the bank, on receiving other approved bonds and mortgages of equal amount; and when any sum of the principal of the bonds and mortgages transferred to the auditor shall be paid to him, he shall notify the bank of such payment, and may pay the same to said bank, on receiving other approved bonds and mortgages of equal amount.

Bonds and mortgages may be re-assigned.

§ 9. The said bank may receive the annual amount of interest to accrue on said bonds and mortgages, unless default shall be made in paying the bills or notes to be countersigned as aforesaid, or unless, in the opinion of the first auditor, the bonds and mortgages or stocks, so pledged, shall become an insufficient security for the payment of such bills or notes; and in case said bank shall fail or refuse to pay such bills or notes on demand, in the manner specified in the fifth section of this act, the first auditor, after the ten days' notice therein mentioned, may proceed to sell, at public auction, the state bonds so pledged, or the bonds and mortgages so assigned, or any or either of them, and, out of the proceeds of such sale, shall pay and cancel the said bills or notes, default in paying which shall have been made, as aforesaid; but nothing in this act contained shall be considered as implying the pledge, on the part of the state, for the payment of said bills or notes beyond the proper application of the securities pledged to the first auditor for their redemption.

Auditor may sell the bonds pledged.

§ 10. The state bonds, bonds and mortgages, deposited with the first auditor by said bank, shall be held by him exclusively for the redemption of the bills and notes of said bank, in circulation as money, until the same are paid.

§ 11. The plates, dies, and materials to be procured by the first auditor, for the printing and making of the circulating notes provided for hereby, shall remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act, shall be paid by said bank.

Plates & dies to remain with the auditor.

§ 12. Any first auditor who shall countersign for said bank bills or notes to an amount, in the aggregate, exceeding the state bonds or bonds and mortgages, at their value as provided in the third section of this act, deposited with the first auditor, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not

Liability of auditor.

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less than five years, or by both such fine and imprisonment.

Duty of chancellor.

§ 13. Upon the application of any creditors or shareholders of said bank, whose debts or shares shall amount to one thousand dollars, and stating facts verified by affidavit, the chancellor may, in his discretion, order a strict examination to be made by commissioners, appointed by him for that purpose, in order to ascertain the safety of its investments and the prudence of its management; and the result of every such examination, together with the opinion of the commissioners and the chancellor thereon, shall be published in such manner as the chancellor shall direct; who shall make such order in respect to the expenses of such examination and publication as he may deem proper.

Damages for non-payment of notes.

§ 14. Said bank shall be liable to pay the holder of every note or bill put in circulation as money, the payment of which shall have been demanded and refused, or on refusal to pay any money previously deposited with said bank, and then due and demandable, to any person or persons entitled to receive the same, damages for non-payment thereof, in lieu of interest, at and after the rate of six per cent. per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

§ 15. It shall be the duty of the first auditor to receive mutilated circulating notes issued by him, and to deliver in lieu thereof other circulating notes to the same amount, to be afterwards signed by the president and cashier of said bank.

Proceedings in case the securities pledged be insufficient to redeem the notes.

§ 16. Whenever the securities deposited for the redemption of circulating notes shall, in the opinion of the first auditor, become insufficient for that purpose, he may receive the dividend on all stocks, as well as the interest on bonds and mortgages, and shall deposit the same in some safe bank in Frankfort, in his name, in trust for the New-Port safety fund bank of Kentucky; the deposit to be made on such terms and at such rate of interest as he may deem most conducive to the interest of said bank, and to be withdrawn and paid over whenever, in his opinion, the securities of said bank shall be sufficient to warrant it.

§ 17. It shall be lawful for the president of said bank to make or execute bonds and mortgages, direct to the first auditor, to secure the payment of circulating bills or notes.

Fees for protest, how paid.

§ 18. All fees for protesting the circulating notes issued by said bank, shall be paid by the person procuring the services to be performed, for which said bank shall be liable; but no part of the securities deposited by said bank shall be liable for such fees.

Annual reports to be made to the auditor.

§ 19. It shall be the duty of the president and directors of said bank, during the first week of January in each year, to transmit to the first auditor an accurate and just state-

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ment of the condition of said bank, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the amount not paid in; the value of the real estate belonging to the bank, and its cost; the total amount of the debts due to and from the bank; the amount of gold and silver and other coined metals and bullion on hand; the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated banks, and the amount of notes in circulation of each denomination issued by the bank; the rate and amount of each dividend of profits made by the bank, with the amount of the surplus profits, or the contingent fund; which statement it shall be the duty of the first auditor to cause to be printed in a newspaper printed in Campbell county, and in the state paper, the expense of which shall be paid by said bank.

§ 20. The promissory notes made payable to any person or persons, and payable and negotiable at the banking house in Newport, and indorsed to and discounted by said bank, shall be and they are hereby put on the same footing as foreign bills of exchange; and remedy may be had, jointly or severally, against the drawers and indorsers; and with like effect, except as to damages, and except that in a regular course of administration they shall have no other greater dignity or priority of payment than other notes.

Notes discounted
on footing of
bills of exchange

§ 21. The real and personal estate, business, property, funds, and prudential concerns of said bank, and the administration of its affairs, shall be under the direction, management, and control of seven directors, chosen as herein after directed; they shall be stockholders, and, after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and, after the first election, shall be elected annually, on the first Monday in May; each director shall be a stockholder in his own right; they shall hold their offices for one year, and until their successors shall be chosen; the directors shall be chosen by the shareholders, who shall meet at the annual elections, in the town of Newport, at such time and place as the directors, for the time being shall direct; and notice of the time and place of holding the annual elections shall be published in at least one authorized newspaper, thirty days next preceding the election; the election shall be by plurality of votes, to be counted and read in public after all the votes are taken; the election shall be conducted under the direction of three shareholders, acting under oath, previously chosen by the directory, and not of their own body. No person who is a director or officer of another bank shall be eligible as a director of this bank; and any director becoming an director or officer in another bank, or while under protest in this bank, for the

Business to be
conducted by
five directors.

Elections, when
to be held.

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non-payment of debts, shall be held to have vacated the office of director of this bank; nor shall two partners in trade be eligible as directors in this bank, at one and the same time; and if the president, cashier, or any director shall fail or become insolvent after his election or appointment, he shall become incapable to serve as an officer in this bank, and shall be held to have vacated his office or place; nor shall he be appointed to serve in this bank until his debts are paid, or until he obtains a full discharge from the same. If, from any cause, an election shall not take place on the day fixed by this charter, the corporation, for that cause, shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct.

Number of votes
on stock.

§ 22. At all meetings of the stockholders, and at all elections under this charter, each and every shareholder, whether individuals, companies, or corporations, shall be entitled to one vote for each share held in their own right. After the first election, no share shall entitle the holder to a vote, unless the same has been held by the person claiming to vote on the same at least three months prior to that time, and so appear on the books of the bank. Any stockholder entitled to vote, may do so in person or by proxy, such proxy being granted to a stockholder who is not the president or a director, the clerk, cashier, or teller of the bank; and any stockholder who is not a citizen of the United States, shall not be entitled to vote on his stock.

President, how
to be elected.

§ 23. The directors chosen for the said bank, under the provisions of this charter, shall, as soon as may be, after the first and every annual election or other election of directors, elect a president from their own body, who shall preside at the board until the next election; and in case of the death, absence, or resignation, or vacation of the office of president, the residue of the directors shall choose a president *pro tempore*; they shall fill all vacancies which may occur in their own body during the time for which they were chosen, and appoint a cashier, clerks, agents or servants of the bank, fix their compensation, define their powers, and prescribe their duties; and shall require of them such bonds, and in such penalties, as they may deem right; which bonds shall be laid monthly before the directory, and entry made thereof on record; and the directory may, from time to time, require such additional bonds and sureties, with such penalties and conditions, as, in their opinion, will secure the bank from loss or damage; and all such officers shall hold their places during the pleasure of the president and directors.

Directors may
pass by-laws.

§ 24. The president and directors of the bank (any four of whom shall form a quorum for the transaction of business,) may, from time to time, make such by-laws, rules and regulations, for their own government, and for the man-

agement and disposition of the property, estate, funds and business of the bank, and all matters appertaining thereto, which they may deem expedient, not contrary to the provisions of this charter, or the by-laws, rules and regulations, which the stockholders, at their annual or other meetings, may, from time to time, prescribe: *Provided, however*, that a concurrence of a majority of all the directors shall be necessary in the adoption of any of the by-laws of the institution.

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§ 25. The president and directors shall hold stated meetings at least once a week, on such days and at such hour of the day as they may, from time to time, appoint, and at such other times as they may agree on; and they shall attend called meetings at any time the president shall direct; and all questions before the board shall be decided *viva voce*; and, on the request of any two members, the yeas and nays on any proposition submitted shall be entered or recorded on the journal of their proceedings; and no vote shall reconsidered when a less number are present than when the vote was given.

Meetings of
the board.

§ 26. It shall be the duty of the president and directors of the bank, on the first Monday in January and July of each year, to declare a dividend of the profits among the stockholders, payable to them on demand; of which dividend, and the time and place of payment, notice shall be given. And if, at any time, said president and directors, shall declare a dividend lessening the capital stock, or lessening the contingent fund aforesaid, or, by any mismanagement or neglect of duty, shall cause any loss or deficiency of or in the capital stock of said bank, the directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders, or any creditor of said bank, who may be injured thereby; and the president and each director shall be deemed guilty of such mismanagement or neglect, or to have consented to such dividend, unless he forthwith give public notice of his dissent thereto, or his absence from the institution, and call a meeting of the stockholders, as here-in provided.

Dividends to
be declared.

§ 27. It shall be the duty of the cashier of the bank, on the first day of July, 1852, and on the first day of July in each succeeding year, during the continuance of this charter, to pay to the treasurer of this commonwealth twenty-five cents on each hundred dollars of stock held and paid for in said bank, which shall be in full of all tax or bonus: *Provided*, that no tax shall be paid until said bank goes into operation: *And, provided further*, that the tax or bonus hereby proposed to be imposed on each share of stock in this bank, or such as shall hereafter be imposed on each share, is hereby set apart and forever dedicated to the cause of education on the common school system; and whenever

Stock to pay
tax to the state.

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er the same, or any part thereof, shall be diverted otherwise, by legislative enactment, said bank shall then be exonerated from the payment of any tax or bonus whatever.

President's
compensation.

§ 28. The board of directors of said bank shall allow to the president thereof such reasonable compensation for his services as they may, from time to time, deem just; but no compensation shall be allowed to any director of the bank, unless the same be voted by the stockholders at some regular meeting.

§ 29. It shall be the duty of the president and directors of the bank, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the cashier, and a full and complete statement to be made and entered on the journal of the proceedings of the board.

Officers not to
engage in other
business.

§ 30. That it shall not be lawful for the cashier, clerk, teller, or other subordinate officer of the bank, either directly or indirectly, to engage in or carry on any other business than that of said bank, without the special license of the president and directors of the bank; nor shall any of them, either directly or indirectly, become indebted to said bank, either as borrower, indorser, surety, or otherwise.

Penalty on an
officer for mis-
applying the
funds.

§ 31. If the cashier, clerk, teller, agent, or other officer of the said bank shall, without the authority of the president and directors of the bank, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the books of the bank, with intent to cheat or defraud the corporation or any person, to hide, or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state for a period of not less than five nor more than twenty years.

Record of pro-
ceedings to be
kept.

§ 32. The president and directors of the bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to inspection to any committee appointed by the legislature.

Directors and
officers to take
an oath.

§ 33. The president, cashier, directors, clerk, teller, and other officers of the bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace of this state, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations, under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

Rate of interest.

§ 34. Said bank shall not contract for or receive a greater rate of interest than at the rate of six per cent. per annum, for the loan or forbearance of money, and interest on

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promissory notes, negotiable and payable at said bank; and their discount shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

§ 35. That the president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock of said bank shall be considered and held, in law, as personal property, and assignable and transferable only in such manner, and at such place or places as the president and directors of the said bank shall by their by-laws, prescribe.

Stock transferable.

§ 36. The certificates of deposit, bank bills or notes, bills of exchange, post notes, or orders issued by said bank, shall be signed by the president and cashier, promising or requesting the payment of money to any person or persons, and to order, or bearer, as the case may be, shall be obligatory on said bank, although not under its seal; and such of said notes or bills as shall be payable to order, shall be transferable, by assignment, and those made payable to bearer, by delivery.

Notes binding though not under seal, &c.

§ 37. That the general meeting of the stockholders shall be held annually, on the first Monday in May, in each year, in the city of Newport, at the time of the annual elections; to which meetings the president and directors of the bank shall present an accurate statement of the condition and affairs of the bank; and general meetings of the stockholders may be called as provided in the charter, or by the president and directors of the bank, when they esteem it desirable, or by any number of stockholders the by-laws of the corporation shall require.

General meeting of the stockholders.

§ 38. The legislature shall have the right to investigate the situation and affairs of said bank, by any committee they may appoint, for that purpose, from time to time.

General assembly may investigate its affairs.

§ 39. The general court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same; the proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on; and shall only be sued out at the instance of the attorney general, when directed to do so by order of the legislature, or the governor for the time being; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be so construed as to prevent said bank from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor for making any contracts that may be convenient and proper for that purpose.

Forfeiture of charter, how tried.

§ 40. That Thos. L. Jones, James E. Perry, Silas Wood, H. C. Gasaway, Jas. N. Doxon, Benjamin D. Beall, Benjamin Smith, Henry K. Lindsey, Edward L. Southgate, H.

Commissioners to open books.

1851.

Their powers
and duties.

H. Mayo, and James T. Berry, are hereby constituted and appointed commissioners to open books and receive subscriptions for the stock of said bank; and any five of them may superintend the election of the first board of directors.

§ 41. The said commissioners shall have power, and they are authorized and required, at such time as they may deem expedient, after giving at least thirty days' notice thereof, in some of the newspapers printed in this state, to open books for the subscription of capital stock of said bank, at Newport, and such other places as the commissioners may deem advisable, and cause books to be kept open until at least two hundred and fifty shares shall have been subscribed, when the same may be closed; or the commissioners may order them closed sooner, if deemed advisable, and re-opened whenever they think fit; and if more than three thousand shares should be subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscriptions, in such manner that no subscription shall be reduced and leave any other subscription larger. The commissioners may appoint commissioners in any city in the United States to receive subscriptions of stock.

Books may be
re-opened if all
the stock be not
taken.

§ 42. If all the shares of the capital stock shall not be taken when the books of subscription shall first be opened by the commissioners, the president and directors may cause the books to be opened, from time to time, and at such times as they may direct, and cause them to be kept open, if they choose, until the whole balance shall be taken; and the president and directors may require such premium on the stock sold, at the re-opening of the books, as they shall deem right; and such premium shall be the property of the bank.

When the bank
may commence
business.

§ 43. When not less than two hundred and fifty shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some public newspaper printed in this state, and appoint a day and place in the city of Newport, for the election of the first board of directors for said bank, who shall hold their offices until the next succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing the said board of directors; and some three of the commissioners shall act as inspectors of the election, and shall take the proper oaths, and perform all the duties of inspectors of elections in like cases.

How stock
shall be paid.

§ 44. The payment of the shares of the capital stock, held by individuals, companies and corporations, shall be at the times and in the manner to be determined by two-thirds of the commissioners, and which time and manner shall be published in the newspaper at Newport, and dis-

tinently and fully made known, in writing, to each stockholder, on the subscription of his stock.

§ 45. Should any of the subscribers to the capital stock of said bank fail or refuse to pay for their stock, as herein provided, and as prescribed by the commissioners, the president and directors, first giving public notice in at least one public authorized newspaper printed in this state, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the bank.

§ 46. If any stockholder or stockholders in said bank, who shall not be a citizen or citizens of the United States, shall vote, or authorize any person to vote, at the election of directors for said bank, upon the stock held by such person or persons, not a citizen or citizens of the United States, or which may be held by others for his or their use and benefit, that such stock, so held and may have been voted upon, or authorized to be voted upon, at any of the elections for directors of said bank, shall be forfeited by such stockholder or stockholders, to and for the use of said bank.

§ 47. The bills or notes of said corporation, originally made payable to bearer, shall be receivable in all payments to the state, and on account of county levies, so long as it shall redeem its notes in gold or silver, on demand, unless otherwise directed by law.

§ 48. It shall not be lawful for the president or any of the directors of the bank to become bound as security or accommodation indorser on any note or bill discounted in said bank; and a violation of any of the provisions of this section shall subject the person, violating the same, to a penalty of five thousand dollars, to be recovered by action of debt in the name of the corporation, and for their use and benefit.

§ 49. Said bank shall not make any loan of money, or discount any note or bill, on the pledge of the stock of said bank whatever; and no stockholder shall be allowed to pay any debt he may owe the bank, by the surrender of the stock of the bank, until all the notes of the bank shall have been redeemed and all the debts of the bank paid; and stockholders who shall become indebted to the bank, shall be compelled to pay their debts, in all respects, as other persons dealing with the bank; nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from said bank.

§ 50. The president and directors of the bank shall cause their cashier to make quarterly reports, on the first day of January, April, July, and October, in alphabetical order,

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How stock may be forfeited.

No stock to be voted on unless by bona fide owners thereof.

Notes receivable in payment of taxes.

No director to become security.

No loans to be made for stock.

List of debtors to be made out.

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of all the debts due said bank, setting out the amount due by each individual, with the names of the indorsers or securities, and a note of the other securities, the date of the notes or bills, and when payable; and these memorandums shall, at all times, be open to the examination of the president and directors of the bank.

§ 51. The president and directors of the bank shall have power and authority to purchase and to transfer any scrip or bonds which may be issued by the state.

§ 52. Notes to be issued by said bank, of a denomination less than five dollars, may be signed by the president or cashier of said bank, without being countersigned by any other officer of said bank.

§ 53. The president and directors of the bank may, under the direction of such agent or agents as they may think proper to appoint, keep open books for the transfer of the stock of said bank, at such places, and under such rules and regulations, as they may deem proper.

* Capital stock may be increased.

§ 54. The capital stock of said bank shall be one hundred thousand dollars, as provided in the first section of this act, which may at any time, provided a majority of the stockholders, at their annual meeting or election, shall so determine, be increased to three hundred thousand dollars; and the first auditor, whenever an additional sum of such securities as are required in that act shall be deposited with him by the said bank, shall issue to said bank an additional amount of circulating notes, countersigned as provided in section third of this charter, equal to said additional securities so deposited: *Provided*, that the amount of circulating notes, so issued by him and put in circulation by said bank, shall never, in the whole, exceed three hundred thousand dollars at any one time in circulation; and said bank may diminish the amount of notes in circulation, as provided in the sixth section of this act, and may also diminish the capital stock, when a majority of the stockholders, at their annual meeting, shall so determine, in the manner which said bank may deem best; and nothing in the forty-ninth section of this act shall be so construed as to contravene this last granted power; and the stockholders, in determining, by vote, whether to diminish or increase the capital stock, shall have one vote for each share, as in all other elections.

§ 55. The legislature hereby reserves to itself the right to alter, amend, or repeal the same at pleasure.

Approved March 24, 1851.

CHAPTER 632.

1831.

AN ACT prescribing the means and mode of opening and working roads in the county of Boone.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Boone county court, at the October term in 1851, to lay off and allot the roads in said county into twenty road districts, in such manner that each and every district shall contain, as near as may be, without actual admeasurement, an equal length of road; and said court shall, at the same or some subsequent term, appoint a superintendent or overseer for each of said districts, who shall hold his appointment for one year, and until his successor shall be appointed; and it shall be his duty, with the means put into his hands for that purpose, to superintend and control the working and opening of all the roads of his district; and shall keep said roads in good repair so far as the means provided will enable him.

§ 2. Within ten days after the entry of each and every order appointing a road overseer, the clerk of said court shall deliver to the sheriff of said county a copy of such order, with a copy of the order establishing the district of which the person, so appointed, is supervisor, attached thereto; and said sheriff shall, within ten days after the receipt of said copies, deliver a true copy of each to the person thereby appointed overseer; and said sheriff shall return the clerk's copies, with an indorsement of the execution thereon, to the office from whence they issued, on or before the next regular county court day.

§ 3. That a tax of two cents on each one hundred dollars of the *ad valorem* valuation of property, as assessed for state revenue, and a poll tax of one dollar upon each and every person subject to be tithed for county levy, shall be paid for road purposes, in the county of Boone, by each and every person therein listed for taxes, upon the amount of his or her lists of property and tithes, as assessed for state and county taxes, each year; and the clerk of the county court of Boone shall, in 1851, and every year thereafter, open one column throughout the tax book, which is to be delivered to the sheriff of said county, and shall head said column "road tax," and shall set down therein, opposite each person's name, the amount such person is to pay for that year as road tax, uniting the *ad valorem* tax and the levies in one sum; and if any error shall occur in such aggregation and rendition of the road tax, it may be corrected at any time by said clerk, or, on his refusal, by said court.

§ 4. Before said tax book shall be delivered to the sheriff of said county, he shall execute bond before said county court, in a sufficient penalty, with two good securities, conditioned that he will faithfully collect and pay over,

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according to law, all taxes, levies, and other sums appropriated to road purposes in said county; and said sheriff shall then proceed to collect said road taxes and levies, as he does other taxes and levies, and shall pay over the same to the orders of the Boone county court as fast as collected, if so required; and said sheriff shall be entitled to four per cent. on the amount of road taxes and levies he collects, which shall be in full compensation for collecting and paying over said taxes and levies, and for all other services he may perform under this act; and the said court shall bring said sheriff to a full settlement of all road funds and claims which have come into his hands at least once in each year.

§ 5. The several road districts in said county shall each be entitled to an equal yearly amount or allowance out of said road fund, which shall be paid over to the several superintendents, at such times, and in such amounts as the said county court may direct; and said superintendents shall lay out and expend the same to the best advantage for the improvement and repair of the roads; and he shall be entitled to an allowance of one dollar per day for each day he devotes to the working and repairing of said roads: *Provided*, that no overseer shall receive more than ten dollars for his personal services in any one year; and said overseer shall, once in each year, return to the county court a true account of his receipts and expenditures, as overseer, verified by his oath, and a similar account, verified in like manner, on his resignation or removal from office.

§ 6. The said county court shall have power to appoint, and, for cause, to remove the overseers of roads, and, on motion of the county attorney, to render judgment against an overseer for any unexpended balance which may remain in his hands upon his resignation or removal; and to render judgment against the sheriff, and his securities, for any sum or sums not paid over according to law: *Provided*, however, that no judgment on motion shall be rendered, unless there be ten days' notice of such motion, and the same shall be carried on in the name of the county of Boone; said court may, also, release aged, infirm, or very indigent persons from the payment of the road levies, and make all orders necessary for the proper management of the roads and road funds of said county; and to alter and change the road districts so as to keep the amount of labor about the same in each.

§ 7. Should any road overseer fail or refuse to put and keep the roads in his district in as good order and repair as the means at his command will permit, he shall be subject to presentment in the circuit court, and may be fined in a sum which shall not exceed ten dollars; and all such

fines shall be paid over to the sheriff, and be held and accounted for by him as part of the county road fund.

1851.

§ 8. The roads of chartered companies and private ways are excluded from the operations of this act; and all laws and parts of laws heretofore passed, touching the working of roads in said county of Boone, are hereby repealed; nevertheless the general road law of the state of Kentucky is hereby revived and continued in force in said county of Boone, until the 6th day of October, 1851, and no longer.

Approved March 24, 1851.

CHAPTER 633.

AN ACT to incorporate the Big Bone Hotel Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby established, in the county of Boone, a company with a capital stock of fifty thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified; which subscribers and stockholders, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the president and directors of the Big Bone hotel company, and shall so continue until the year 1951; and, by that name, shall be competent to contract and be contracted with, to have, possess, enjoy, and retain such lands, tenements, hereditaments, goods, and effects as may be necessary and convenient for the erection and furnishing a hotel in the county of Boone, at the Big Bone springs; to rent and demise said hotel, furniture, &c.; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, in all matters, as natural persons; to have and use a common seal, and change, alter, or renew the same at pleasure; to ordain and put in execution all such by-laws, rules, and regulations as they shall deem necessary for the government and carrying out the objects of this corporation: *Provided*, they be not contrary to the constitution and laws of this state or of the United States.

Company incorporated.

§ 2. That books for the subscription of stock may be opened at such times and places as may be deemed best, under the direction of M. M. McManama, J. Russell Hawkins, Joseph C. Hughes, B. M. Allen, Esau Click, Thomas Rouse, and John W. Leathers, or some one or more of them; all of whom are hereby appointed commissioners, or such of them as shall act, to procure a book or books, which shall contain the following obligation, and shall be signed by every person who shall take stock in said com-

Commissioners.

1851:

pany: "We, whose names are hereunto subscribed, do severally bind ourselves to pay to the president, directors, and company of the Big Bone hotel company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the president and directors of said company." As soon as the amount of five thousand dollars is subscribed, the commissioners, or a majority of those that shall act, shall call a meeting of the stockholders, having given at least two weeks' notice, in three public places in said county, of the time and place of such meeting, and hold an election for president and four directors, who shall hold their offices for one year, and until their successors shall be elected: *Provided*, that should a vacancy occur, either of the office of president or director, the remainder of the directors shall fill the same by appointment; should all of the offices of directors become vacant, from any cause, any three of the stockholders may call a meeting of the stockholders, as before mentioned, to fill such vacancy by an election. The directory shall appoint a treasurer, and such other officers as they may deem necessary.

Treasurer to give bond.

§ 3. The treasurer, before he enters upon the duties of his office, shall execute a bond to said company, with security, to be approved by the directory, in such penalty as they may deem necessary, conditioned that he will faithfully perform all the duties imposed upon him as treasurer; and may be removed at the pleasure of the directory.

Stock, how forfeited.

§ 4. The stockholders shall have the right to declare when a stockholder has forfeited his stock, and the payments made; but no such forfeiture shall be made by them, without the service of a notice on the delinquent stockholder, at least twenty days before the record of such forfeiture shall be made on the books of the corporation; and such forfeiture shall not release said stockholder from the sum yet remaining unpaid.

§ 5. This stock shall be personal estate, for which the president and directors shall issue certificates to the owners, which shall be transferable in such manner as the corporation shall prescribe by their by-laws.

§ 6. The right is hereby reserved to the legislature to repeal or modify this act.

Approved March 24, 1851.

CHAPTER 634.

AN ACT to incorporate the Lexington, Harrodsburg and Bowlinggreen, Railroad Company.

Commissioners.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Benjamin Gratz, James A. Grinstead, Joseph Bryan, Joseph H. Chrisman, William Bryant,

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H. S. Elgin, and George Bowman, of Fayette county; William Thompson, John G. Handy, John A. Grimes, Samuel Daviess, James Taylor, Christopher Graham, Andrew G. Kyle, and Beriah Magoffin, of Mercer county; James T. Donaldson, George B. Adams, William E. Graham, John B. Helm, John H. Graham, and Thomas J. Smith, of Warren county; Samuel Peter, Daniel McIlvoy, Henry Miller, John Moore, Alexander Hamilton, C. C. Kelly, and John Jackson, of the county of Washington; and James Schooling, John Shuck, John P. Reed, Leonard A. Spalding, Thomas P. Knott, Elias F. Shackelford, and W. H. Hawkins, of the county of Marion, be and are hereby appointed commissioners, under the direction of whom, or any three of them, subscriptions may be received to the capital stock of the Lexington, Harrodsburg, and Bowlinggreen railroad company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time, and may adjourn from time to time, and to such places as they may deem expedient, for the space of seven years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, that any subscription tendered at any time and place other than that advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time and place advertised; and if any of said commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by the act, another may be appointed in his stead by the remaining commissioners, or a majority of them, of the county for which said commissioner, not acting, was appointed a commissioner.

Capital stock.

§ 2. That the capital stock of said Lexington, Harrodsburg, and Bowlinggreen railroad company shall be two millions five hundred thousand dollars, in shares of fifty dollars each, which may be subscribed for by any individual or corporation; and as soon as six hundred shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Lexington, Harrodsburg, and Bowlinggreen railroad company; and, by that name, shall be capable of purchasing, selling, holding, leasing, and conveying any real estate not exceeding fifteen hundred acres, and real, personal, and mixed estate, so far as the same shall be necessary for the purpose of their incorporation, and no further; and shall have perpetual succession; and, by said corporate name, shall sue and be sued; and may have and

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Corporate
powers.

use a common seal, which they shall have power to alter or renew at pleasure; and shall have, use, enjoy, and exercise all the rights, privileges, and powers which other corporate bodies may lawfully do.

§ 3. That the same duties, rights, powers, privileges, and immunities are hereby conferred, under the same conditions, restrictions, qualifications, instructions, and reservations, upon the Lexington, Harrodsburg, and Bowlinggreen railroad company, hereby incorporated, as are conferred on the Danville and Bardstown railroad company by an act of the legislature incorporating said company; and for the remaining part of the charter and act of incorporation, the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth sections, and all of the eighteenth section, except the proviso at the end of the act incorporating said Danville and Bardstown railroad company, are hereby referred to and adopted, and made part hereof, so far as the same is applicable, substituting the words Lexington, Harrodsburg, and Bowlinggreen railroad company, whenever, in said section and act, the words Danville and Bardstown railroad company occur; and in lieu of the same, and striking out, wherever Danville and Danville in Boyle county, or Bardstown and Bardstown in Nelson county, occur, and striking out, also, the names of the said company, or the commissioners, agents, or officers thereof, and inserting the words Lexington and Lexington in Fayette county, and Harrodsburg and Harrodsburg in Mercer county, and Bowlinggreen and Bowlinggreen in Warren county, in lieu thereof, together with the names of the Lexington, Harrodsburg, and Bowlinggreen railroad company, commissioners, agents, and officers, and any other words and matter in said section as would come in conflict with the object of the act of incorporation, so as to carry it out according to its true intent and meaning. Said road shall commence at or near Lexington, in Fayette county, and run through Mercer county to Harrodsburg, and thence, along the most practicable route which the company, agents, commissioners, and officers thereof, or a majority of them, may select, on to the said town of Bowlinggreen.

§ 4. Whenever said company shall have completed that portion of said road from Lexington to Harrodsburg, or to any point beyond said town, so as to intersect any railroad running in the direction of Nashville, through or near Bowlinggreen, Warren county, said company shall have the privilege of ceasing further operations towards the further completion of the same; and shall enjoy all the rights, privileges, benefits, and immunities as are conferred by the act of incorporation, so far as the said road is or may have been completed:

§ 5. That all the notices of said company, in regard to the business of said railroad company, shall be published in the Lexington, Harrodsburg, Bardstown, Springfield, and Bowlinggreen newspapers.

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Approved March 24, 1851.

CHAPTER 635.

AN ACT to amend an act, entitled, an act to incorporate the town of West Point, in Hardin county, approved January 15, 1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the above recited act be so amended that it shall be lawful for the clerk of the board of trustees of the town of West Point, to hold an election for trustees in said town, in the absence of the sheriff, or his failure to attend and hold said election; the same to be held under the same rules and regulations as provided for in said recited act.

Approved March 24, 1851.

CHAPTER 636.

AN ACT for the benefit of A. W. Hamilton, and his securities, in a bond for public arms.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Archibald W. Hamilton, late captain of a company of cavalry, in the town of Mountsterling, Kentucky, and his securities, shall be and they are hereby severally released and discharged from the penalty and condition of bond, executed by them to the commonwealth of Kentucky, June 21, 1848, for the return of forty pair of pistols, forty pair of holsters and caps, forty sabres and scabbards, forty cartridge boxes, forty sabre belts and plates, which were obtained from said commonwealth for the aforesaid cavalry company, by said Hamilton; it appearing to this general assembly that the whole of said arms and accoutrements were burnt up and destroyed in the conflagration of the court house of Montgomery county, on the 5th day of March, inst.; the said arms and accoutrements having been deposited therein, in a room set apart and appropriated as an arsenal for said company.

Approved March 24, 1851.

CHAPTER 639.

AN ACT for the benefit of George I. Stockton, and his securities, in two bonds for public arms.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George I. Stockton, late captain of the Mountsterling light infantry company in the county of Mont-

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gomery, and his securities, shall be and they are hereby released and discharged from the penalties and conditions of two several bonds, the one executed November 13th, 1842, and the other on the 10th day of August, 1844, for sundry muskets, bayonets, and accoutrements, as well as five artillery swords, scabbards, and belts, which were obtained from said commonwealth, for the use of said infantry company, by said Stockton; it appearing to this general assembly that the whole of said arms and appendages were destroyed by fire, in the burning of the court house of said county, on the 5th day of March, inst.; the said arms and appendages having been deposited in said court house in a room set apart, used, and appropriated as an arsenal for said company.

Approved March 24, 1851.

CHAPTER 641.

AN ACT to incorporate the Catlettsburg and Grayson Plank Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby incorporated, under the name and style of the Catlettsburg and Grayson plank road company, for the purpose of constructing a plank road from Catlettsburg, on the Ohio river, at the mouth of Sandy river, to the county seat of Carter county.

§ 2. The capital stock of said company shall be forty thousand dollars, to be divided into shares of one hundred dollars each. Books for the subscription of stock shall be opened on the first Monday in May next, or at such time and place as the commissioners may direct, to be under the direction of William F. Nichols, Hugh Means, Robert Carter, William L. Geiger, R. K. Weis, William Patterson, S. P. Williams, James Lampton, and R. M. Biggs, or any three of them.

§ 3. That so soon as six thousand dollars of the stock in said company shall be subscribed, the directors shall have the power to call a meeting of the stockholders; and they shall have the power to elect a president and three directors, who shall have power to locate and finish said road, or any part of it, and to erect one gate for every five miles of road they may make or finish of said road.

§ 4. That said corporation shall have all the powers and privileges that are now granted to the Hopkinsville and Green river plank road company, by an act approved March 5, 1850, and shall be laid under all the liabilities and obligations imposed by that act.

§ 5. That the act, entitled, "an act to amend and reduce into one the several acts relating to the Sandy road," approved February 13, 1841, and the several acts to which it refers,

be and the same are hereby repealed; and the corporation created by this act shall have the power to construct a plank road on the ground heretofore intended for the construction of a turnpike road by the Owingsville and Big Sandy turnpike road company.

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Approved March 24, 1851.

CHAPTER 642.

AN ACT to regulate tolls on the Crab Orchard and Madison fork of the Wilderness Turnpike Road, and the management of the Goose Creek and Trough Spring branch of said road.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all wagons, and other vehicles, fully loaded with salt, be and they are hereby permitted to pass through the toll gates on the Madison and Crab Orchard forks of the Wilderness turnpike road, free of toll: *Provided*, that no wagon shall be permitted to pass said gates free of toll, when only partially loaded with salt, unless it shall be shown to the satisfaction of the gate keeper that no fraud was intended by such partial loading; and said gate keepers are hereby authorized to administer an oath to any person he may wish to examine in relation to such exemption from tolls.

§ 2. It shall be the duty of each toll gate keeper on said road to inform against all persons violating the provisions of this act; and every such offender shall be subject to the same penalty as for passing through any toll gate on said road without paying legal toll.

§ 3. That for the better management of that branch of the Wilderness road leading from the Trough Spring, in Laurel county, to the salt works, in Clay county, the commissioners who now, or may hereafter have charge thereof; are hereby authorized to reduce or add to the number of overseers to work said road, as, from time to time, they may deem most expedient.

Approved March 24, 1851.

CHAPTER 643.

AN ACT to amend the charter of the city of Maysville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the board of council for the city of Maysville to equalize the wards in said city, by so altering the boundaries of said wards as to make the voters in each as nearly equal as can be done.

§ 2. The legal voters in the city of Maysville shall have the right to elect their market master, at the times and places they shall elect their other officers, who shall hold his office for one year, and until his successor be elected.

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§ 3. That the first section of the above amendments shall not take effect as a law, until the board of councilmen shall submit the same to a vote of the legal voters of the city of Maysville; and for this purpose, the council shall give three weeks' notice, in all the newspapers of said city, of the time and place of taking the vote; and the judges shall put this question to the voters: "are you in favor of a division of the wards, so as to make the voters in each ward as nearly equal as may be?" and provided, at said election, if a majority of the legal voters of Maysville, who shall vote at said election, shall vote in the affirmative, then it shall be the duty of the councilmen to have a census of the voters taken, and divide the wards so as to make the voters in each as near equal as may be, with marked and permanent boundaries to said wards; and in that manner shall continue, from year to year, to keep them equal.

Approved March 24, 1851.

CHAPTER 646.

AN ACT to authorize the people of Logan County to tax themselves to assist in making the Louisville and Nashville Railroad, and for other internal improvements.

Board of internal improvement created.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, for the purpose of improving the roads in the county of Logan, a board of commissioners may be created in said county, to be styled the board of internal improvement of the county of Logan, to consist of three members, to-wit: the judge of the county court, for the time being, shall be, *ex officio*, a member and president of the board; and two other members, to be elected by the magistrates of said county; and shall severally, before entering on the duties of their offices take an oath, faithfully to do and perform the duties imposed on them by law; and in all cases of vacancy, by resignation, death, or otherwise, the said judge of the circuit court, for the time being, shall have time to fill such vacancy: *Provided*, that the said board, with the exception of the president thereof, shall be annually appointed in the manner herein provided.

Duties of said board.

§ 2. That the said board of internal improvement for said county, (any two of whom shall constitute a quorum to do business,) shall be and they are hereby authorized to designate any road or roads within said county, which, in their judgment, would be most advantageous to the people to have improved, either by McAdamizing, planking, or by the grading of dirt roads, or either or all of them; and give notice thereof at least two months before an election for representatives, by causing the same to be published in some public newspaper, if there be one published in the

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county, and if not, to cause the same to be advertised by having posted up a written statement at each voting place in said county, naming the road or roads, and how they are proposed to be improved, and the estimated cost of the same.

§ 3. That the sheriff of said county is hereby authorized and directed, at the election specified in the notices heretofore directed to be made, to open a poll at all the places of voting in the county for representatives to the general assembly of this state, and those who vote for representatives may vote for or against the proposed improvements.

Duty of sheriff

§ 4. That if a majority of all the legal voters in the county shall be in favor of making the improvements proposed by the board of internal improvement, as aforesaid, then the said board shall levy an *ad valorem* tax of not more than twenty cents on the one hundred dollars worth of property for one year, and not to continue for a longer time than five years.

If majority vote in favor of it, a tax to be levied.

§ 5. That the value of the property of each person in the county shall be taken from the commissioners' books, who may take a list of the taxable property for that year; and the tax levied shall be made collectable in the same way as is the revenue of this state: *Provided*, that the said board of internal improvement shall have power to appoint some one or more persons to collect the same.

How value of property to be ascertained.

§ 6. That after a tax shall have been levied, in pursuance of the fourth section of this act, it shall be the duty of the said board of internal improvement, and they are hereby authorized and directed to open a book or books for each road proposed to be improved, at such time and place as they may think proper, and keep the same open as long as to them may seem necessary; and in each of said books they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and members of the board of internal improvement of the county of Logan the sum of fifty dollars for every share of stock set opposite our names, in such manner and proportions and at such times as shall be determined on by the president and members of said board:" *Provided*, that said president, &c., shall not call for more than ten dollars on each share at any one time, or oftener than every sixty days: *And, provided further*, that notice shall be given of the time and place of opening said books for at least one month previous thereto, in the same manner as is prescribed in the second section of this act.

After tax is levied, subscription books to be opened.

§ 7. That after one-third of the estimated amount of cost for improving said road or roads shall have been subscribed by individuals or companies for either or all of said roads, the said board of internal improvement, by their president or either of the members thereof, shall, and they

Upon what condition county subscription to be made.

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are hereby authorized and directed, on behalf of the county, to subscribe for stock in such road or roads as the stock above stated may have been taken by individuals or companies, an amount not exceeding its proportionate part of the sum levied in pursuance of the fourth section of this act.

Additional
members to be
elected.

§ 8. That the president of the board of internal improvement, or either of the members thereof, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for two additional members of said board, who shall hold their offices for one year, and until others shall be duly elected and qualified; and, before entering on the discharge of their duties, they shall take the same oath that is prescribed in the first section of this act; and they shall be constituted members of the said board of internal improvement; and they, together, are hereby made a body politic and corporate, in deed and in law, by the name, style, and title of the "board of internal improvement," for the county of Logan; and, under said name and style, have perpetual succession, and all the privileges and immunities of a body corporate; and, as such, shall be capable of taking, receiving, purchasing, and holding, to them and their successors, and of selling, transferring, and conveying, in fee simple, all such land and estate, real, personal, and mixed, as shall be necessary for the prosecution of their work, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before all courts of record and other judicial tribunals whatsoever; and to make, have, and use a common seal, and the same to break, alter, and renew at pleasure, and to do each and every other act which a body corporate and politic may lawfully do.

May appoint
treasurer and
other officers.

§ 9. That the said board of internal improvement shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others shall be appointed; subject, however, to be removed at any time by the said president and members, a majority of two-thirds concurring therein. The treasurer shall, before he enters on the duties of his office, give bond, with two or more good securities, in such penalty as the president and members may direct, payable to the president and members of said board, conditioned that he will faithfully discharge the duties of treasurer of said board, and that he will, when called on, pay the amount of money in his hands, or any part thereof, to the order of the president and members; and that he will perform the duties required of him by the by-laws of said board.

May make by
laws.

§ 10. That the board of internal improvement organized under this act shall have power to pass such by-laws, for

the prosecution and completion of the improvements here-in contemplated, as may seem to them necessary, and which are not inconsistent with the constitution and laws of this state.

§ 11. That reasonable compensation may be given to all of the officers hereby created, for their services.

§ 12. That whenever there shall have been completed any portion of road under the provisions of this act, of not less than five miles, the board of internal improvement aforesaid, shall, and they are hereby authorized to erect a gate across that part of said road, and collect such tolls or rates as are now allowed by law to be collected on the turnpike road from Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville, and Bowlinggreen, to the state line, in the direction of Nashville; and that the provisions of the act to incorporate the said turnpike road from Louisville, by the mouth of Salt river, &c., which was approved February 2d, 1833—except so far as may already have been provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof—are hereby adopted and enacted as a part of this act.

When five miles of road is completed may erect a toll gate, and collect tolls

§ 13. That it shall be the duty of the board of internal improvement that may be established under this act, to enter and keep in a book a fair register of all their transactions, which shall be open and free at all times, to be examined by any citizen of the county.

Record of proceedings to be kept.

§ 14. That the tolls received on any road that may be improved under the provisions of this act, shall first be applied, by the board of internal improvement, to the keeping of said road or roads in good repair, and the balance, if any, shall be paid semi-annually, by said board, to each of the stockholders, in proportion to the number of shares held by them.

§ 15. That it shall be lawful for the board of internal improvement, hereby authorized to subscribe stock for and on behalf of said county of Logan, to obtain the amount as provided in the fourth and fifth sections of this act, or by borrowing the amount thereof, payable in the way and on the terms the said board of internal improvement may deem most advisable; and the interest on all such sums borrowed may be provided for in such manner as to them seems best: *Provided*, that all taxes laid by any board aforesaid, to pay the principal and interest—or either—of the amounts borrowed by them, shall be pledged and sacredly appropriated to such purpose, and no other: *And, provided*, that all sums paid by any citizen of said county, on account of the several subscriptions of said county, or in payment of the interest upon any such subscription, shall entitle him to a certificate for the amount thereof; and when said certificate amounts to fifty dollars, shall entitle him to

Board may borrow money.

1851.

one share in the stock subscribed by his county, for every fifty dollars so held by him.

Vote to be taken

§ 16. That in order to ascertain the wishes of the people of said county in regard to taxing themselves for the purpose of aiding in building the Louisville and Nashville, or other railroad, the sheriff of said county is hereby directed to open a poll, in the year 1851, at each of the precincts in said county, at such time as may, in his judgment, be best, having given at least one month's previous notice in a newspaper printed in the county, if there be one, and by having posted up at each of said precincts a notice, in writing, notifying the people that a vote will be taken, at the time specified, as to the propriety of said tax, and of the amount proposed to be subscribed, which shall not exceed the sum of three hundred thousand dollars; and the said election shall be conducted and governed as is directed by the election laws of this state; and the sheriff attending the election, at each place of voting, shall propound to each voter the following questions: "Are you in favor of the tax for the railroad, and are you for issuing the bonds of the county?" and if it shall appear that a majority of all the legal voters in the county are in favor of the tax, the judge of the county court is hereby authorized and directed to subscribe, as stock in said railroad, for and on behalf of said county of Logan, whatever amount may have been voted for, upon the condition that said road shall be located through or near the town of Russellville, in said county.

If majority be
in favor of it,
subscription to
be made.

§ 17. That if it shall appear that a majority of all the votes, as stated above, are in favor of selling the bonds of the county to make the payment for said stock, the judge of the county court is hereby authorized and directed to issue the bonds of said county, at such times, and in such amounts as may be necessary to meet the payment of said stock; said bonds to be made payable within twenty-five years, bearing an interest of not more than six per cent. per annum.

Tax to be levied

§ 18. That the county court of said county is hereby authorized and directed to levy an *ad valorem* tax, each year, sufficient to pay the interest upon said bonds, and finally to pay off and discharge the principal of said bonds; and the said tax shall be collected in the same way as is the revenue tax of this state; and the said court shall have power to employ one or more persons to collect the same, and require such bond and security for the faithful performance thereof as is required by law for the collection of the revenue: *Provided*, that if a majority of the votes, as aforesaid, are opposed to issuing bonds, the said court shall levy a tax, as above stated, sufficient to make the payments of said stock, in such manner as is required by the charter of said road: *And, provided*, that the dividends

arising from the stock, above directed to be subscribed, shall first be applied to the payment of the balance of said stock, if any be due, or of the interest and principal of said bonds; and no more tax shall be levied than is necessary to supply the deficiency, if any.

§ 19. That all sums paid by any citizen of the county, on account of the subscription of said county, shall entitle him or her to a certificate for the amount thereof; and when said certificate or certificates amount to one hundred dollars, shall entitle him or her to one share in the stock subscribed by his or her county, for every one hundred dollars so held by him or her.

§ 20. That the said county court shall appoint a treasurer, and require him to give bond and security sufficient to indemnify the county against loss, whose duty it shall be to safely keep and disburse, as contemplated by the last five sections of this act, all the funds that may come into his hands, either from the tax or dividends from said railroad: *Provided*, that said treasurer shall be allowed by said court reasonable compensation for his services.

Approved March 24, 1851.

Tax payers to
be stockholders.

CHAPTER 647.

AN ACT to amend an act, entitled, an act to incorporate the Transylvania School of Dental Surgery, approved March 7, 1850.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the second section of an act, entitled, an act to incorporate the Transylvania school of dental surgery, approved March 7, 1850, be so amended that said college may alternate between the cities of Louisville and Lexington, the winter session to be held in Louisville, and the spring or summer session in Lexington.

§ 2. That so much of the fifth section of said act, granting to the trustees of said college the power to remove professors at pleasure, be and the same is hereby repealed; and they shall only have power to remove them for incapacity, or neglect to perform their duties, gross immoral conduct, or for the welfare of said college.

§ 3. That said institution shall hereafter be called the Transylvania college of dental surgery.

Approved March 24, 1851.

CHAPTER 648.

AN ACT to legalize the subscription of stock by the Franklin county court in the Stampingground and Frankfort Turnpike Road Company, and to authorize the city of Frankfort to take stock in said road.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the order of the county court of Franklin county, made at the March term, 1851, of said

1851.

court, by which the clerk of said court is directed to subscribe fifteen hundred dollars to the Stampingground and Frankfort turnpike road company, be and the same is hereby legalized; and said subscription is hereby declared as valid, in all respects, as if authority to subscribe the same had been conferred on said court by the original charter of said company.

§ 2. That the mayor and board of councilmen of the city of Frankfort are hereby authorized to subscribe any sum not exceeding five thousand dollars, to the Stampingground and Frankfort turnpike road company: *Provided*, that before any such subscription is made, the terms and amount of the same shall be submitted to a vote of the citizens of said city, qualified to vote for mayor and councilmen of said city; and unless a majority of all the voters of said city, qualified as aforesaid, vote for said subscription, the same shall not be made. And it shall be the duty of said mayor and board of councilmen to give notice, by advertisements in the newspapers published in Frankfort, of the amount and terms of the proposed subscription, for at least ten days before said vote is taken.

Approved March 24, 1851.

CHAPTER 649.

AN ACT for the benefit of Francis McCauley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second auditor be and he is hereby directed to issue his warrant on the treasurer for fourteen dollars and twenty-five cents, in favor of Francis McCauley, as a full compensation to him for guarding the jail of Anderson county nineteen days, when H. F. Nealy was confined therein for felony.

Approved March 24, 1851.

CHAPTER 650.

AN ACT to provide for the election of a Police Judge in the town of Richmond.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the legal voters in the justices' districts of the county of Madison, in which the town of Richmond is situated, shall, at the same time and place, on the second Monday in May next, at which an election is held in said district for other officers, elect a police judge for the town of Richmond, who shall have the same power and jurisdiction, within said district, which the present police judge of Richmond has in said town.

§ 2. The person so elected shall be commissioned by the governor, and shall hold his office for four years from and after the first day of next June, and until his successor is elected, commissioned, and qualified.

§ 3. The term of the present police judge shall expire on the first day of next June.

§ 4. A similar election shall take place every time a presiding judge is elected for the county court of Madison.

§ 5. The sheriff shall, within three days after each election of a police judge, certify to the governor who is elected; whereupon, the governor shall issue a commission to the person elected, who shall, before he enters on the duties of his office, take the oath required by the constitution.

Approved March 24, 1851.

CHAPTER 653.

AN ACT in relation to the Marshal of the city of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the presiding judge of the Franklin county court, or any justice of the peace in district No. 1, in Franklin county, to direct to the marshal of the city of Frankfort any process he may be, by law, authorized to issue; and said marshal shall have the same authority to execute such process, that the sheriff of Franklin county or the constable in said district has; and for any neglect, default, or failure in relation to the execution or return of such process, or for a failure to pay over any money collected in virtue of such process, said marshal, and his securities, shall be liable on his official bond, jointly and severally, in the same manner, and for the same penalties as sheriffs or constables are in like cases; and said marshal shall be entitled to charge and receive the same fees and commissions as constables for the same services.

Approved March 24, 1851.

CHAPTER 654.

AN ACT for the benefit of Henry G. Mitchell and John Mitchell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry G. Mitchell and John Mitchell, late owners of a water grist mill, in Warren county, on big Barren river, from the passage of this act, shall have free use of the chute or channel of water on the north side of said river on which said grist mill was situated: *Provided,* the said Mitchell, in exercising such free use, does not injure the navigation of the main channel of said river.

Approved March 24, 1851.

1851.

CHAPTER 657.

AN ACT to provide for the election of the Police Judge and Marshal of the town of Lawrenceburg, and changing the limits of said town.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the police judge and town marshal of the town of Lawrenceburg, instead of being elected on the second Monday in May next, shall be elected by the qualified voters of said town on the third Saturday in May next, and shall continue in office until the first Monday in March, 1853, and until their successors then elected shall qualify and enter upon the duties of their offices. On the first Monday in March, 1853, a like election shall be held for the same officers, and on the same day in every second year thereafter, who shall continue in office, each, for the term of two years, and until their successors be elected, qualify, and enter upon their duties.

§ 2. That the trustees of said town shall cause said elections to be held in the same manner that elections for trustees of said town are now required by law to be held; and shall preserve the poll books, and cause the result of said elections to be entered of record in the records of the board of trustees of said town. The persons holding said elections shall give certificates of election to the persons so elected, and, in case of a tie vote, cause the same to be determined by lot, in the presence of not less than three persons. They shall also transmit the result of any election of said police judge to the secretary of state, for the time being; upon the receipt of which the governor shall issue a commission to said judge for the time for which he may have been elected.

§ 3. If a vacancy shall happen in either of said offices, said trustees shall cause a special election to be held, in like manner, to fill such vacancy. If any marshal of said town shall fail and refuse to execute any bond required by law, his office shall be deemed vacant.

§ 4. Said trustees shall cause any election required under this act to be advertised, by written advertisement, for at least ten days preceding any such election; and the police judge and marshal, thus to be elected, shall have the same jurisdiction and power, and be subject to the same duties and responsibilities, respectively, as now pertain to the same officers of said town.

§ 5. That so much of the act approved February 14, 1850, entitled, an act to incorporate the town of Lawrenceburg, as extends the limits of said town upon the lands of Lewis J. Witherspoon, be and the same is hereby repealed.

Approved March 24, 1851.

CHAPTER 659.

1851.

AN ACT for the benefit of Philip Felton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purpose of compensating Philip Felton, of Oldham county, for keeping James Ellis, an idiot, for eleven months, ending on the 17th of March, 1851, the second auditor be and he is hereby directed to issue his warrant on the treasurer, in favor of said Felton, for forty-five dollars and eighty-four cents, to be paid out of any money in the treasury not otherwise appropriated.

Approved March 24, 1851.

CHAPTER 660.

AN ACT supplemental to an act, entitled, an act to incorporate the Lexington Savings Institute, approved February 10, 1851.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fourth section of an act, entitled, an act to incorporate the Lexington savings institute, approved February 10, 1851, be so amended as to give authority and power to said corporation "to buy and sell notes," instead of the power "to discount notes," as now possessed by said corporation.

§ 2. That the capital stock of said corporation be and the same is hereby limited to the sum of one hundred thousand dollars.

Approved March 24, 1851.

CHAPTER 661.

AN ACT to amend the charter of the Newtown and Leesburg Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the president and directors of the Newtown and Leesburg turnpike road company be and they are hereby permitted to construct that part of said road covered with stone not less than fifteen feet wide.

§ 2. That so soon as said president and directors shall have completed four miles of said road, continuously, they shall call on three justices of the peace in said county, not interested in the stock of the company, to examine the work; and if they shall certify that it has been made in conformity with the charter, said president and directors may cause to be erected a toll-gate, or two half gates, at such points on the road as they may designate, and may collect the tolls and duties granted by the charter.

Approved March 24, 1851.

1851.

CHAPTER 663.

AN ACT for the benefit of Turnpike Roads in Lincoln county.

*County court
may levy a tax
to pay certain
subscriptions of
stock in roads.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Lincoln county, for the purpose of carrying out, in good faith, the objects and purposes of an order of said court, at its March term, 1850, authorizing the subscription of stock to certain turnpike road companies, be and it is hereby authorized and directed, at the May term of said court, in each year, to ascertain the amount of money to be paid on said subscriptions within the year succeeding, and shall levy and assess an *ad valorem* tax for the amount so to be paid; and, also, a sum sufficient to pay the sheriff's commissions for collecting said sum; and, also, such sums as may, in the judgment of said court, be sufficient to cover the loss, by delinquents and other contingencies, incidental to the collecting thereof, upon the property in said county listed by the assessors, and subject to taxation under the revenue laws of this state.

Who to col-
lect said tax.

§ 2. That the sheriff of Lincoln county, in each year, shall collect the tax so levied and assessed; and to enable him so to do he shall have the same remedies for the collection of said taxes, against the property in Lincoln county, as shall be in force, in said respective years, for the collection of the state revenue: *Provided*, that the sheriff at said court, in each year, shall execute bond, payable to the commonwealth, for the use of the county court of Lincoln county, with good security, to be approved by said court, not greater than the gross amount to be collected each year, conditioned faithfully to collect and pay over the same, so assessed, on or before the 15th day of January in each year succeeding the assessment, to the agent of said court, who may, from time to time, be appointed by the court to receive said taxes, and, also, with such other conditions as said court may prescribe.

Court may re-
ceive delinquent
lists of such tax.

§ 3. That the county court may exercise the same powers in relation to the sheriff's delinquent list as to the road tax, as it may, in each year, be vested with in relation to the state delinquent list; and the sheriff shall be entitled to the same rate of commissions for collecting said road tax as, in each year, he may be entitled to for collecting the state revenue.

Suit may be
brought on sher-
iff's bond.

§ 4. Suits may be brought on said sheriff's bonds, in the circuit court for Lincoln county, in the name of the commonwealth, for the use of said county court, for the violation of any of the conditions of said bond; and said circuit court shall have plenary power to try said suits, and to render judgment, and enforce the collection thereof by proper process, as in other cases where suits may be brought against the sheriffs and his sureties.

§ 5. That if the duties hereby enjoined upon said court and sheriff are not attended to at the May term of said court, in each year, the same powers and duties may be exercised at the succeeding June term.

§ 6. That this act shall apply to any subscriptions of stock which have been, or may be made by the order of the county court for Lincoln county, under any existing laws authorizing said orders and subscriptions.

Approved March 24, 1851.

1851.
Duty of Lincoln
circuit court.

CHAPTER 665.

AN ACT for the benefit of Uriah G. Berry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in consideration of the services rendered, and expenses incurred by Uriah G. Berry, in arresting certain counterfeiters, the second auditor be and he is hereby directed to issue his warrant on the treasurer, in favor of the said Berry, for thirty dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved March 24, 1851.

CHAPTER 666.

AN ACT to incorporate the Georgetown and Lemon's Mill Turnpike Road Company.

Whereas, it is represented to the present general assembly, that Harvey C. Graves, D. Howard Smith, Evan Stevenson, James C. Lemon, Blodsoe D. Harman, and William B. Risk, citizens of Scott county, united themselves into a company to construct a plank or stone turnpike road from Georgetown to Lemon's mill; in said county, under and according to the provisions of an act, entitled, "an act to authorize the construction of plank, stone, and gravel turnpike roads in this commonwealth," approved March 7, 1850; and said persons, after having taken all the preliminary steps required by said act, caused books to be opened for subscriptions of stock in said company, upon which stock to the amount of six thousand dollars was subscribed; and the persons, thus subscribing said stock, afterwards elected a president, five managers, and a treasurer, pursuant to the provisions of the act aforesaid; and whereas, said president and managers, and said subscribers of stock have found it impracticable to proceed further with the business of said company, or in the construction of said road, under the act aforesaid. Wherefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed, under the name and style of the Georgetown and Lemon's mill turn-

Company
Incorporated.

1831.

pike road company, for the purpose of constructing an artificial McAdamized or plank road from Georgetown to the mill on North Elkhorn, in Scott county, known as Lemon's mill; and that the capital stock of said company shall not exceed fifteen thousand dollars, to be divided into shares of fifty dollars each.

Books to be
opened.

§ 2. That books for the subscription of stock in said company shall be opened on the first Monday in April next, or as soon thereafter as may be convenient, at Georgetown, under the direction of Harvey C. Graves, D. Howard Smith, Evan Stevenson, James C. Lemon, Bledsoe D. Harman, and William B. Risk, who are hereby appointed commissioners for that purpose; and said commissioners shall take from each person subscribing stock in said company, in a book to be provided for that purpose, the following obligation, to-wit: "We, whose names are hereto subscribed, promise to pay to the president and directors of the Georgetown and Lemon's mill turnpike road company, the sum of fifty dollars for every share of stock in said company set opposite our names, in such manner and proportions, and at such times as may be required by the president and directors of said company. Witness our hands this day of . . ."

When company
may be organized and directors elected.

§ 3. That so soon as the sum of four thousand dollars shall have been subscribed, the said commissioners shall, at such time and place as they may designate, call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their offices for one year, and until others are duly qualified; and said president and directors, and their successors, shall be a body politic and corporate, under the name and style of the Georgetown and Lemon's mill turnpike road company; and, by that name, shall have perpetual succession, with all the privileges and powers incident to a corporation; and shall be capable of holding their capital stock, and of purchasing, selling, and conveying all such estate and property, real and personal, as shall be necessary in the prosecution of said work; to sue and be sued, plead and be impleaded, answer and be answered, in all courts of record; to have and use a common seal, and to do all other acts which similar corporations may lawfully do.

May enact by-laws, &c.

§ 4. That said president and directors may ordain such by-laws as may be necessary, and may appoint a treasurer, and may employ such artists, engineers, and other officers as may be necessary to carry on said work.

Width & grade of road.

§ 5. That said road shall be leveled and graded at least twenty feet in width, and its greatest elevation shall not exceed three and a half degrees; and if said president and directors shall determine to cover the same with McAdamized stone, that part so covered shall not be less than fourteen feet wide, and at least nine inches in depth; and if

covered with plank, the part so covered to be not less than eight feet wide; and said president and directors shall fix the location of said road on such route as they may deem best.

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§ 6. That the provisions of the seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth sections of an act, entitled, an act to charter the Stampingground and Frankfort turnpike road company, approved February 4th, 1850, shall apply to the company hereby incorporated, as fully, in all respects, as if copied into this act.

§ 7. That all subscriptions of stock, made as set forth in the preamble to this act, be and they are hereby declared as valid and binding, in all respects, as if made under and in conformity to the provisions of this act; and all acts done by the persons named in said preamble, in relation to the construction of said road, are hereby legalized and declared valid.

§ 8. That the chairman and board of trustees of Georgetown are hereby authorized to subscribe stock in said company to an amount not exceeding three thousand dollars; and to enable them pay the same, they may levy and collect a tax on the property in said town, liable to taxation for the revenues of said town under existing laws, not exceeding one-half of one per cent. per year on the assessed value thereof.

Who allowed
to be inserted.

Approved March 24, 1851.

CHAPTER 667.

AN ACT concerning County Courts in Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws now in force requiring a county court to be held in the month of September, in the county of Monroe, be and the same are hereby repealed; and a term of the county court for said county shall be held on the fourth Monday in October in each year, in said county, and shall continue in session so long as the business shall require.

Approved March 24, 1851.

CHAPTER 668.

AN ACT to establish a State road in the counties of Caldwell, Livingston, and McCracken.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Hiram Hall, of McCracken county, Blount Hodge and Enoch P. Ross, of Livingston county, Joshua Hammons and John Gregory, of Caldwell county, or any three of them, after being first duly sworn, shall

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proceed to the town of Eddyville, and review, and, if they think proper, revise the road leading from thence to Ross' ferry, in Livingston county, and from thence view the nearest and best way to the town of Paducah; and when they shall be satisfied as to the best and most direct route for a road from Eddyville to Paducah, by Ross' ferry, that they cause the route, so selected by them, to be so marked and identified that there will be no difficulty in finding and pursuing the same; and it shall be the duty of said commissioners to make a report, in writing, to the county courts of Caldwell, Livingston, and McCracken, designating therein, fully and explicitly, the route and ground over which said road shall pass.

§ 2. That upon the before mentioned report being made to the said county courts, the route designated be and the same is hereby a state road: *Provided*, that said county courts, a majority concurring therein, shall deem the establishment of said road right and proper; and if said road be established, then it shall be the duty of said county courts to lay off said road into convenient precincts, and appoint surveyors of the same, and allot a sufficient number of hands to each to clear out and improve said road within each of their respective counties.

§ 3. That the county courts of said counties through which said road passes, shall have power to change, alter, and revise said road at all times, and to prescribe its width, and appoint surveyors, and keep said road in repair in their respective counties.

§ 4. That any person or persons over whose lands said road may pass, shall have the right to obtain from the county court of the county in which such lands lie, a writ of *ad quod damnum*, under the provisions of the general laws of this state; and the damages assessed under such writ shall be levied by said county courts, as directed by the provisions of the general road laws of this state.

Approved March 24, 1851.

CHAPTER 673.

AN ACT to amend the charter of the Cynthiana and Millersburg Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the tenth section of an act, entitled, "an act to incorporate the Cynthiana and Millersburg turnpike road company," approved February 23d, 1847, be so amended as to permit said company to erect a gate within one and a half miles of the commencement of the grade of said road, at the western boundary of Hinkston's addition to the town of Cynthiana.

§ 2. That said company shall have the privilege of erecting another gate, at which they shall only charge half tolls, between Cynthiana and Ruddle's mills: *Provided*, the same shall not be placed nearer than a mile of the corporate limits of the town of Ruddle's mills: *And, provided further*, that said additional gate shall not be erected until the road shall be completed to Ruddle's mills: *And, provided further*, that no toll shall be collected of persons passing through said gate on horseback, going to or returning from Ruddle's mill expressly for milling purposes, nor of persons going to and returning from the blacksmith's shop at said mills, on business expressly of that character.

Approved March 24, 1851.

CHAPTER 675.

AN ACT to repeal the act concerning private passways, so far as relates to Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act to amend and reduce into one the several acts concerning private passways in certain counties, approved February 22, 1834, be and the same is hereby repealed, so far as the provisions thereof relate to Scott county.

Approved March 24, 1851.

CHAPTER 677.

AN ACT to incorporate a Turnpike or Plank Road Company in the county of Franklin.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and is hereby formed, for the purpose of constructing an artificial road, plank, or McAdamized, from James Milam's depot, on the Frankfort and Louisville railroad, to intersect the Frankfort and Shelbyville turnpike road at or near the Franklin Presbyterian church, to be known as the Milam's depot turnpike company; and, by that name, shall be a body politic and corporate.

Company is incorporated.

§ 2. That the capital stock of said company shall not be less than seven thousand five hundred dollars, to be divided into shares of fifty dollars each. Subscriptions for the stock of said company shall be opened at such time and place, and kept open for such a length of time as may be ordered by the commissioners, or a majority of them, hereinafter named.

Capital stock.

§ 3. That James Milam, John W. Russell, Sharp Dooley, John Sheets, and William Hodges, are appointed commissioners to open books and receive subscriptions of stock.

Commissioners

1851.

Obligation.

§ 4. That such of the commissioners as shall act to open books for the subscription of stock, shall procure a book, and the subscribers shall sign the following obligation, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the Milam depot turnpike company the sum of fifty dollars for each share opposite our names, in such proportions, and at such times as shall be determined by said company."

When company
shall be organ-
ized.

§ 5. That so soon as four thousand dollars are subscribed in stock, it shall be the duty of said commissioners to give notice of a meeting of the stockholders, at the Franklin Presbyterian church or Milam's depot, as they may choose, for the purpose of electing officers; the notice of said meeting to be given in such manner as may be determined on by the commissioners; and the voters, in choosing officers for said company, shall be regulated by the number of shares, allowing one vote for each share.

Officers of the
company.

§ 6. The officers of said company shall consist of a president and three managers, all of whom shall be stockholders, and shall hold their office for one year, and until their successors are chosen.

Corporate
powers.

§ 7. That so soon as the company is organized, the president and managers of said company shall possess all the powers, authority, rights, and privileges, and may do all the acts necessary for carrying on and completing said road, as well as laying out and locating it, and shall be subject to all the duties, penalties, &c., (if any,) as are given and granted to the Stampingground and Great Crossings turnpike road company; and all the provisions of the act incorporating said Stampingground and Great Crossings turnpike road company, are hereby enacted as part hereof, except so far as they are local in their application, or come in conflict with this act.

§ 8. The president and managers, when they shall have completed said road, may erect a toll gate thereon, at such point as they may select, and charge and receive toll at one half the rate charged and received at a full gate on the Maysville and Lexington turnpike road company. The right to alter or amend this charter is reserved to the general assembly.

Approved March 24, 1851.

CHAPTER 678.

AN ACT to charter the Danville and Bardstown Railroad Company.

Commissioners.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That A. G. Talbott, A. D. Irvine, J. P. Mitchell, Chas. Henderson, John A. Burton, Thos. Prewitt, Samuel Crawford, H. Bruce, D. A. Russell, and Samuel McDowell, of the county of Boyle; Jas. G. Phillips, Hugh

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McElvoy, R. C. Palmer, Charles Grundy, and J. P. Barbour, of the county of Washington; Uriah Gartin, John Shuck, Leonard Spalding, and John P. Read, of the county of Marion; and Ben. Doom, Joseph Brown, B. L. McAtee, E. B. Smith, A. C. Wilson, and Thos. P. Linthicum, of the county of Nelson, be and they are hereby appointed commissioners, under the direction of whom, or any three of them, subscriptions may be received to the capital stock of the Danville and Bardstown railroad company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time, and may adjourn from time to time, and to such places as they may deem expedient; and if such subscription to the capital stock as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority of them, may cause said books to be opened, and kept open from time to time, and at such places as may seem expedient for the space of five years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, that any subscription, tendered at any time and place other than advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing, as if received at the time and place advertised; and if any of said commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them, of the county for which said commissioner, not acting, was appointed a commissioner.

§ 2. That the capital stock of said Danville and Bardstown railroad company shall be eight hundred thousand dollars, in shares of fifty dollars each, which may be subscribed for by any individual or corporation; and as soon as five hundred shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Danville and Bardstown railroad company; and, by that name, shall be capable of purchasing, selling, holding, leasing, and conveying any real estate, not exceeding one thousand acres, and real, personal, and mixed estate, so far as the same shall be necessary for the purposes of their incorporation, and no farther; and shall have perpetual succession; and, by said corporate name, shall sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure; and shall have, enjoy, and

Capital stock

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exercise all the powers, rights, and privileges which other corporate bodies may lawfully do.

§ 3. That if more than sixteen thousand shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce by striking off in succession from the largest number of shares subscribed by single individuals or corporation, until the subscriptions shall be reduced to sixteen thousand shares, so as to equalize the stockholders so far as may be.

How stock to
be paid.

§ 4. That at every subscription of stock, there shall be paid, at the time of subscribing, to the said commissioners, or their agents, appointed to receive such subscriptions, either in money or a note negotiable and payable at some bank in the state, as said commissioners shall select, at sixty days' date, or longer, at the option of the commissioners, or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times as may be required by the board of directors of said company: *Provided*, that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by a publication in one or more of the newspapers published in Danville, Springfield, and Bardstown; nor shall more than twenty-five per cent. of each share of stock be called for in any one year; but if the exigencies of the company shall require payments of the stock to be made more rapidly than is provided for herein, or should the board of directors, or a majority of the whole elected, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding two hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded agreeably to the provisions of this section, the same may be recovered by action, in the name of said corporation, against such defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publication, as directed in this section, shall be the only demand necessary to be proved; or, in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the same shall be due and payable, the board of directors may, in their discretion, order that the same shall be forfeited to the company, and they may also sell it for the benefit of the company, if they think proper; but the said board of directors, by a majority of the whole board, may remit any such forfeiture, on such terms as they may think proper: *And, provided further*, it shall be lawful to receive subscriptions to the capital stock of this company, payable in contracts, well secured, to build such

parts of the road, or to perform such work in the construction thereof as may be accepted by the company.

§ 5. If the subscription of stock herein made necessary to the incorporation of said company shall not be obtained within five years after the first opening of the books by the commissioners, under this act, then this act, and all the subscriptions under it, shall be null and void; and said commissioners shall, after discharging the expenses of opening the books, return the residue of the money paid in upon the subscriptions to the several subscribers, in proportion to the sums respectively paid by each.

§ 6. That at the expiration of the time for which books are opened first, if five hundred shares of capital stock shall have been subscribed, or, if not, as soon thereafter as the same shall be subscribed, if within ten years after the first opening of said books, said commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' notice thereof in some one or more of the newspapers published at Danville, Springfield, and Bardstown; and at such meeting the commissioners shall lay the subscription books before the subscribers then and there present; and thereupon, the subscribers, or a majority of those present, shall have the power to elect from among the stockholders seven directors, by ballot, to manage the affairs of said company; and these seven directors, or a majority of them, shall have the power to elect a president of said company, either from among the directors or stockholders, and of allowing such compensation for his services as they may think proper; and in such election, and all other elections where stockholders are allowed to vote, each stockholder shall be allowed one vote for each share of stock owned by it, him, or her; and every stockholder may, in writing, depute another person to vote and act as its, his, or her proxy; and the commissioners aforesaid, or any three or more of them, shall be the judges of the first election of directors.

§ 7. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually on the first Monday in June, every year, at such place as the president and directors may designate, by the stockholders of said company: *Provided*, that after the first election, the president and directors may change the time and place of holding all subsequent elections, by publishing such change at least thirty days previous to the election, in the papers aforesaid; and that the directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a president from among the directors, or any other stockholder, and allow him such compensation for his services as they may deem reasonable; and if any vacancy shall occur from

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Stock to be taken in 5 years.

When meeting of stockholders to be held for election of officers.

President and directors, when to be chosen.

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death, resignation, or refusal to act, of any president or director, before the year for which he was elected shall have transpired, a person to fill such vacancy shall be appointed by the president and directors of said company, or a majority of them; and that the president and directors shall hold their offices until the election of a new president and directors; and that all elections to be made on a particular time, if not then made, may be made in thirty days thereafter, upon notice publicly given.

Called meetings
of stockholders.

§ 8. That a general meeting of said stockholders may be called at any time between the annual meetings, by the president and directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in one or more of said newspapers; and when any such meetings are called by the stockholders, such notice shall specify the object of the call; and if, at any such called meetings, a majority, in value, of the stockholders are not present, in person or by proxy, the same shall be adjourned from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders having a majority of stock subscribed do not attend, said meeting shall be dissolved.

Annual state-
ment to be made

§ 9. That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct account of the affairs of said company; and at any called meeting of the stockholders, a majority, in value, of the holders of the stock being present, may demand and require similar statements from the president and directors, whose duty it shall be, when required, to furnish them; and that at all general meetings of the stockholders in said company, a majority of them, in value, may remove from office the president or any of the directors, and fill vacancies thus made, in the same manner that they could at their stated annual meetings.

President & di-
rectors to take
an oath.

§ 10. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices, to the best of their skill and judgment; and the said president and directors, or a majority of them, or a majority, in value, of the stockholders in said company, at any of the stated or called meetings of the stockholders, shall have power to elect a treasurer of said company, and require him to execute bond, in such penalty, and with such securities as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such moneys as shall come to his hands, and with such other conditions as may be prescribed; upon which said bond recovery may be had

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or a breach of the conditions thereof, by suit, in the name of said company, in any court having jurisdiction thereof.

§ 11. That if any of the stock created by this act shall remain unsubscribed until after the election of the president and directors, as provided for in the sixth section of this act, the said president and directors, or a majority of them, shall have power to open books, and receive subscriptions on any of the capital stock which may remain untaken or subscribed for, or to sell or dispose of such untaken stock, or the benefit of the company, not under its par value; and the subscribers or purchasers of said stock shall have all the rights of original subscribers, and subject to the same regulations.

If stock be not all taken, books may be re-opened.

§ 12. That the said president and directors, or a majority of them, may appoint all such officers, agents, or servants as they may deem expedient for the business of the company, and they may remove any of them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents, or servants, and regulate, by by-laws, the manner of adjusting all accounts against the company; that they shall have power to erect warehouses, work-shops, depôts, and all other buildings necessary for the transaction of the business of the company; that they shall have power to direct and regulate in what manner, and by what evidence stock in said company may be transferred; and to pass all by-laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act: *Provided*, the same shall not be contrary to the laws of the United States or of this state.

May appoint all necessary officers.

§ 13. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, to increase the same by the addition of as many shares as they may deem necessary, not exceeding five hundred thousand dollars, giving notice as heretofore prescribed.

Capital stock may be increased.

§ 14. That the president and directors of said company are hereby vested with all the powers and rights necessary to the construction of a railroad from Danville, in the county of Boyle, to or near to Bardstown, in the county of Nelson; the route to be by them selected and determined, not exceeding sixty feet in width, with as many sets of tracks as they may deem necessary; and that they may cause to be made contracts with others for making said railroad, or any parts of it; they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, and its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and ap-

Invested with powers necessary to build the road.

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purtenances; and they may build bridges and construct tunnels: *Provided*, the same do not obstruct the navigation on navigable streams; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone, or other material which may be necessary or useful for the construction, completion, or repair of said road.

Power to take
release of right
of way.

§ 15. That the president and directors of said company, or a majority of them, or their authorized agents, may agree with the owner of any land for earth, timber, or stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase, or use, or occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, where such land or materials may be wanted, application may be made to any justice of the peace of such county, who shall thereon issue a warrant, under his hand, directed to the sheriff of such county, directing him to summon a jury of twenty inhabitants, not related or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten or more than twenty days after issuing of the same; and if, at the time and place, any of said jurors do not attend, said sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance; and from them each party, or, if not present, by agent or otherwise, the sheriff then for the party absent, may strike of four jurors, and the remaining twelve shall act as a jury of inquest of damages; and before they act as such, the sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damage which the owner or owners shall sustain by the use and occupation of the said property required by the company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner from conducting said road by, through, or near the property of such owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the sheriff to the clerk of his county court, and by such clerk it shall be filed in his office, and shall be confirmed by the county court of such county at its next session, if no sufficient cause to the contrary be shown; and, when so confirmed, shall be recorded by said clerk, at the expense of said company; but if set aside, the court may direct another inquisition to be taken, in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or

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paid to the owner or owners of said property, or his, her, or their legal representatives, or the clerk of the county court in which said inquest is held, for their use, where said owners, &c., do not reside in said county, shall entitle said company to the estate, and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may at any time thereafter be received from the company, without costs, by the owner or owners, his or her legal representatives or heirs.

§ 16. That whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said corporation so to construct said road across such road or way as not to obstruct the passage of persons or property along the same; or where it shall be necessary to pass through the land of any person, it shall be its duty to provide for such person wagon ways across said railroad, from one part of the land to the other; and upon failure thus to provide such cross roads, it shall be lawful for the person or persons injured to sue said company, and recover such damages as a jury may think him or her entitled to for such neglect.

Not to obstruct
any public road.

§ 17. That whenever it shall be necessary for said company to have, use, or occupy any land or materials, or other property, in order to the construction of said road, or the repair of any part thereof, or their works or buildings, said company, or their agents, or those contracting with them for work or repairing the same, may immediately take and use the same, having first caused the property wanted to be viewed by a jury, (formed as herein before prescribed;) and it shall not be necessary, after such view, to wait the issue of the proceedings upon such view, before the same is used or occupied, and said inquest, after payment or tender of the damages assessed, shall be a bar to all actions for taking or using such property, whether begun before or after such confirmation, or the payment of such valuation.

Proceedings
when land or
materials to be
condemned.

§ 18. That said company shall have power to purchase, with the funds of said company, and place on any railroads constructed by them under this act, all machines, wagons, vehicles, or carriages of any kind which they may deem proper, for the purposes of transportation on said road; and they shall have power to charge for tolls, and the transportation of persons and merchandise, and property of any kind whatever, transported along said railway, any sum not exceeding the following rates, viz: on all goods, merchandise, or property, for every one hundred pounds transported over twenty miles and under fifty, three and a half mills for each mile; and for persons, and every species of live stock, and every other description of

May purchase
machines.

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freight or property, they shall charge no greater rate than is authorized to be charged on the railway from Lexington to Frankfort. That it shall not be lawful for any other company, or any other person or persons to travel upon, or use any of the roads of said company or to transport persons or property, without the license or permission of the president and directors thereof; and that the said road or roads, with all their works, improvements, or profits, and all the carriages, vehicles, and machinery for transportation used therein, and all other species of property thereunto belonging, are hereby vested in said company, incorporated by this act, and their successors forever, and shall never be taxed beyond the rate imposed upon real estate, estimated upon the prime costs of the proposed works: *Provided*, that should any railroad company undertake to construct a railroad from Louisville to or near to Bardstown, or from Louisville to Nashville, in the state of Tennessee, within five years from the time this company may be organized, such company or companies may, with the approbation of this company, unite the two companies, and make them, or either two of them, form one joint stock company, and if united with the Nashville and Louisville railroad company, then the company shall be known and styled the Louisville, Danville, and Nashville railroad company, having all the corporate privileges granted to either and both of said companies; and if united with the Louisville and Bardstown railroad company, then to be known and styled the Louisville, Bardstown, and Danville railroad company, having all the corporate privileges of one and both of said charters; and in case of uniting this company with either of the others, the company thus formed shall be liable to all the responsibilities prescribed in either or both of said charters, and shall have all the immunities, benefits, and advantages secured to either or both of said companies by their charter.

Dividends to
be declared.

§ 19. That the said president and directors shall, annually or semi-annually, declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, after deducting the necessary current and probable contingent expenses; and that they shall divide the same among the stockholders of said company in proportion to their respective shares.

Penalty for in-
fring the road.

§ 20. That if any person shall willfully, by any means whatever, injure, impair, obstruct, or destroy any part of said railroads or road constructed for said company under this act, or any of their works, buildings, carriages, vehicles, or machinery, such person shall, for every such offense, forfeit and pay to the said company a sum not exceeding five hundred dollars, recoverable in the name of said company, by action in the circuit court of the county wherein said offense shall have been committed, and shall

also be subject to indictment by the grand jury of said county, in said court; and, upon conviction of said offense, be imprisoned in the jail thereof, or the penitentiary of the state, not less than six months nor more than five years, in the discretion of a jury.

§ 21. That so soon as the company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms and stipulations herein provided, as though the whole work was completed.

§ 22. That it shall be lawful for the mayor and councilmen of the city of Louisville, the county courts of counties, and the trustees of towns interested in the construction of this road, to submit the question, to be voted on by the voters in their respective jurisdictions, whether or not stock shall be subscribed in the capital stock of said railroad, by the said board and councilmen of the city of Louisville, said counties and towns, respectively; and if, when the vote is thus taken, it shall appear that a majority of the qualified voters, in each or either of such jurisdictions, have voted for said tax, then, it shall be lawful for such city or town in which said majority of votes has thus been given, by their respective corporate authorities, and the county courts of the counties in which such majorities have been given, to subscribe for stock in said railroad company, to such extent as they may think proper; and the funds to pay the same shall be raised by an *ad valorem* tax on the taxable property in their respective jurisdictions; and the receipts for the payment of said tax, thus levied, shall entitle the holder thereof to that amount of stock in said company, and which receipt shall be assignable.

Approved March 24, 1851.

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When business of the road may commence.

Who allowed to subscribe.

CHAPTER 679.

AN ACT to legalize the vote of the County of Fayette and city of Lexington to subscribe stock in the Maysville and Lexington, and Lexington and Danville Railroad Companies.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the vote taken in the county of Fayette on the 22d day of March, 1851, upon the propositions to subscribe two hundred thousand dollars of stock to the Maysville and Lexington railroad company, and a like amount to the Lexington and Danville railroad company, shall be, in all respects, held and taken to be as legal and binding; and the county court of Fayette shall subscribe stock to said railroads, in all respects, as if said vote had been taken in strict conformity to an act, entitled, "an act to authorize the county of Fayette and city of Lexington to subscribe stock in railroad companies," approved January 25, 1851, and more especially, as if said

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vote had been taken at the election precincts of Fayette county now prescribed by law.

§ 2. *Be it further enacted*, That if a company shall, within nine months of the passage of this act, be organized under the act, entitled, "an act to incorporate the Lexington and Danville railroad company," approved the 5th day of March, 1851, and said company shall, within sixty days of the time of its organization, by writing filed in the office of the clerk of the county court of Fayette county, agree to abide the conditions and amended conditions of the proposition of the commissioners of said Lexington and Danville railroad company, made to the county court of Fayette, upon which the vote was taken on said 22d day of March, 1851, said court shall make the subscription to the Lexington and Danville railroad company, in all respects, as if such subscription had been made in strict conformity to the act, entitled, an act to authorize the county of Fayette and city of Lexington to subscribe stock in railroad companies, approved January 25, 1851.

Approved March 24, 1851.

CHAPTER 682.

AN ACT allowing the Clerk of the Washington Circuit Court further time to collect fee bills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles C. Kelly, clerk of the Washington circuit court, be and he is hereby allowed the further time of two years from the passage of this act, to collect, by distress or otherwise, any uncollected fee bills due him, as clerk aforesaid, for services rendered in the years 1845, 1846, 1847, 1848, and 1849: *Provided*, that said clerk shall be liable to all the penalties imposed by law for issuing and collecting illegal fees.

Approved March 24, 1851.

CHAPTER 685.

AN ACT to amend the act authorizing the County of Fayette to subscribe stock in Railroad Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the first section of an act, passed at the present session of the legislature, authorizing railroad companies to request the county court of Fayette county to have a vote taken, whether said county will subscribe stock to the railroad company making the request, be and the same is hereby so altered and amended as only to apply to such railroad companies as are now chartered, and come within the provisions of said first section of said act.

Approved March 24, 1851.

LAWS OF KENTUCKY.

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CHAPTER 686.

1851.

AN ACT to amend the charter of the Town of Crab Orchard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several acts defining and extending the limits of the town of Crab Orchard, be and they are hereby so amended as that the farms of Henly Middleton, Thomas Welsh, and I. Guest shall not be subject to tax by the town, until they shall be laid off into town lots by their owners: *Provided,* that if any portion of such farms shall be laid off into town lots, such portion shall be subject to the tax.

Approved March 24, 1851.

CHAPTER 687.

AN ACT to amend an act, entitled, an act to amend the Campbell Turnpike Road Company, and for other purposes, approved February 26, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of the act to which this is an amendment, be so amended as that there shall be inserted between the words "a turnpike road" and the words "on the McAdams plan," in the second line of said second section, the following words, to-wit: "of plank, gravel, or", so that the same shall read "a turnpike road of plank, gravel, or on the McAdamized plan"; and that the second section be further amended so that, in the sixth line thereof, the word "Saltillo" be stricken out, and in its place the following words be inserted, to-wit: "any point beyond Saltillo, in a line south from Tippecanoe and Harrod's creek"; and that said second section be further amended so that the figures "1842," in the last line thereof, be stricken out, and the words "1848" be inserted in their place; it being understood that said act to which this is an amendment, is referred to herein as printed in the acts of the general assembly of the commonwealth of Kentucky, passed at the December session, 1848—published by authority—Frankfort, Ky., A. G. Hodges & Co., state printers; 1849.

Approved March 24, 1851.

CHAPTER 688.

AN ACT to authorize the Chairman of the Board of Trustees of Winchester, and certain other public officers to grant injunctions &c. &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the chairman of the board of trustees of the town of Winchester, and said trustees, and the justices of the peace of Clarke county, and the clerks of the Clarke circuit court and county courts of said county, and the notary publics of said county or town shall, they or either of them, have the same power to grant injunc-

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tions, writs of *ne exeat*, attachments, and other restraining orders in chancery, which any two justices of the peace of said county, designated for said purpose, now have.

Approved March 24, 1851.

CHAPTER 689.

AN ACT to incorporate a company to construct a bridge over Salt river.

Name and style.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert N. Miller, Thos. P. Camp, Joshua F. Speed, Samuel Messick, Thomas Snead, Warren Mitchell, J. G. Guthrie, Samuel B. Thomas, with their associates, be and hereby created a body politic and corporate, by the name of the West Point bridge company, for the purpose of erecting and constructing a bridge across Salt river, at West Point; and they and their associates, and their successors, shall continue and have perpetual succession; and, by that name and style, are hereby made as capable, in law, as natural persons, to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this commonwealth and elsewhere, in all courts of law and equity; to make, have, and use a common seal, and the same to break, alter, and amend at pleasure; they also shall have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, or the sites for the piers and abutments, toll-houses, and suitable avenues leading to the same; also, to borrow money, not exceeding the capital stock mentioned in this act; but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also, the power to ordain and establish such by-laws, ordinances, and regulations as shall be necessary for the well-being and government of said corporation, not contrary to the laws of this state or the United States.

Capital stock.

§ 2. That the capital stock of said company shall consist of fifty thousand dollars, divided into five hundred shares, of a hundred dollars each.

Books to be opened for the subscription of stock.

§ 3. That within sixty days after the passage of this act, that the persons before named, or a majority of them, shall cause a public notice to be made of the time and place of opening books of subscription of the stock of said company, which books shall be kept open under the direction of said persons, or a majority of them, not less than five or more than twenty days. If, however, at the closing of the subscription, it shall be found that a greater number of shares than five hundred have been taken, then and in that case the persons before named, or a majority of them, shall proceed to reduce the number of shares, in a just and equitable proportion among the subscribers.

Organization of the company.

§ 4. That when two hundred shares shall have been subscribed, the said persons, or a majority of them, shall ad-

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verties a meeting of the shareholders of said company, to be held at West Point, giving at least five days' previous notice of the time and the place of such election; and the shareholders shall, thereupon, proceed to the election of a president and six directors; and said shareholders shall, also, proceed to fix what compensation said president and directors shall be entitled to receive, if any be allowed; also, to ordain and adopt such by-laws for the permanent organization of said corporation as they may deem needful; at which meeting each shareholder shall be entitled to one vote for each share of stock he may hold. At all subsequent meetings or elections of stockholders, no share shall be voted upon that has not stood in the name of the person claiming to vote, at least three months previous to the day of meeting or election; and that the shares in said company may be voted upon by proxies, duly recorded, conforming to the foregoing regulations.

§ 5. That the president and directors first chosen shall hold their offices until the first Monday in January ensuing such election, and until others shall be elected in their places; and on the first Monday in January, in each year, the stockholders of said company shall meet at their office at West Point, or at some place to be designated by the president and directors, and then proceed to the election of a president and six directors, who shall hold their offices for one year, or until their successors shall be elected. At the annual meeting, a statement of the affairs of the company shall be made out by the president and directors, and presented to said meeting, and such dividends of the profits declared as may be deemed advisable.

Term of office

§ 6. That the concerns of said corporation shall be under the control, superintendence, and management of said president and directors; and the president and three directors shall constitute a quorum to transact business, or, in the absence of the president, any four of the directors, one of whom shall act as president, *pro tem*. The president and directors, after they have been duly elected, as aforesaid, may make such assessments on the shares of said company as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture and non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper.

Who to manage
the concerns.

§ 7. That it shall be the duty of the president and directors to appoint a clerk or secretary, and cause a record of the proceedings to be kept. They may also appoint a treasurer, and such other officers or agents as they may think needful for promoting said undertaking, and to allow them such pay or compensation as they may agree upon; to make contracts, and do all things necessary for carrying the same into immediate effect; and to take such bonds or other security, in their corporate capacity, from any person

Officers to be
appointed.

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or persons they may so appoint to contract with. And in the case of the death, resignation, or vacancy from any other cause, of the president or any other director, the survivors, or a majority of them, shall supply the vacancy until the next annual election.

May hold lands.

§ 8. That the said president and directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or sites for piers or abutments of said bridge.

May charge toll.

§ 9. That when the said permanent bridge shall be erected and completed, the president and directors shall have the right to fix rates of toll for passing over said bridge, collect the same from all and every person or persons passing thereon with their goods, carriages, and animals of every description: *Provided, however*, said company shall not charge more than the following rates: footman, five cents; man and horse, ten cents; one horse buggy or pleasure carriage, twenty-five cents; two horse ditto, fifty cents; four horse ditto, seventy-five cents; for one horse wagon, twenty cents; two horse ditto, thirty cents; four horse ditto, fifty cents; six horse ditto, seventy-five cents; horses, cattle, or mules, in droves, five cents per head; hogs three cents, and sheep two cents per head.

Penalty for injuring the bridge

§ 10. That if any person or persons shall willfully and knowingly do any act or thing whatever, whereby the said bridge, or any thing thereto belonging, shall be injured or damaged, the said person or persons, so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of competent and legal jurisdiction; and any person or persons who shall pass, or attempt to pass said bridge, without paying the toll, or tendering it, if there be any person there to receive it, shall pay three times the amount of the tolls which he, she, or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this commonwealth; and if any person or persons shall willfully set fire to and burn the same, or any part thereof, such person, so offending, with their aiders or abettors, shall be guilty of arson.

Stock transferable.

§ 11. That certificates of stock of said company shall be issued, under the seal of the company, in the form and manner that shall be designated by the by-laws of the company, which shall designate the mode of transfer.

§ 12. That the said bridge shall be commenced within one year from and after the passage of this act, and completed within three.

What sufficient service of process.

§ 13. That it shall be sufficient service of process on the corporation hereby created, to execute a summons on the president and secretary, or a majority of the directors and secretary of said company; and process, so executed, shall authorize judgment at the first term, as in other cases, if no appearance or plea filed.

§ 14. This act shall not take effect until the next election of the president and managers of the Louisville and Elizabethtown turnpike road company, and until said president and managers shall have qualified as such, and, by a written order, made by the consent of all the managers elected, enter their consent to this act, and waive any right which the said company have, under their charter, to construct the bridge; which order shall be transcribed, signed, and sealed by the said president and managers, and transmitted to the secretary of state, who shall file the same.

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Approved March 24, 1851.

CHAPTER 691.

AN ACT to amend the act incorporating the Mayslick and Sardis Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act passed at the present session of the general assembly, entitled, "an act to incorporate the Mayslick and Sardis turnpike road company," be and the same is hereby so amended as to authorize the company to organize and commence the construction of said road whenever the sum of five thousand dollars in stock shall be subscribed. The shares of stock shall be fifty, instead of one hundred dollars. And a toll-gate may be erected on said road within one half mile of the limits of the town of Mayslick.

Approved March 24, 1851.

CHAPTER 692.

AN ACT to charter the City of Louisville.

ARTICLE FIRST.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundaries of the city of Louisville shall be as at present established by law and the inhabitants thereof shall be incorporated into a city, by the name and style of the "city of Louisville," and shall be a body corporate and politic forever, retaining and possessing the power to sue and be sued, to contract and to be contracted with, to have and to use a common seal, and the same to alter and to amend at pleasure; and to hold, enjoy, sell, and dispose of any property now vested in the city of Louisville, or in any person or corporation to the use of said city, to the intents and purposes for which the same was taken or granted; and in all suits against the said corporation, service of process upon the mayor thereof shall be sufficient.

Boundaries established.

Inhabitants incorporated.

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Boundaries to
be distinctly
marked.

§ 2. The general council of the said city shall cause the boundaries of said city, herein established, to be marked out, and permanent stone monuments planted at the corners of said boundaries.

ARTICLE SECOND.

Corporate
powers divided
into three de-
partments.

§ 1. The corporate powers of the city of Louisville shall be divided into three distinct departments, viz : legislative, executive, and judicial ; and no officer in one of these departments shall exercise any power belonging to either of the others, except as hereinafter permitted.

ARTICLE THIRD.

Of the legisla-
tive power.

§ 1. The legislative powers of the said city shall be vested in a board of common councilmen and a board of aldermen, which together shall be styled the general council of the city of Louisville, and shall be elected as hereinafter provided for.

Eligibility of
common coun-
cilmen & alder-
men.

§ 2. No person shall be eligible as a common councilman who has not attained the age of twenty-four years, and no person shall be eligible as an alderman who has not attained the age of thirty years ; nor shall any person be eligible to a seat in either board of the general council who has not resided in the city of Louisville for three years next preceding his election, and is not a *bona fide* resident of the ward for which he may be chosen, who is not a citizen of the United States, or who holds or discharges any office or agency under the city of Louisville, the county of Jefferson, the state of Kentucky, the United States of America or any department thereof, or under any of the states thereof, or any foreign government whatever, except militia officers of Kentucky, or who, at the time of his election, is interested, directly or indirectly, in any contract with the city of Louisville, or who holds any office of trust or salary in any corporation which holds any contract with said city, the terms, rates or prices whereof are subject to modification or enforcement by said general council ; and no collector or keeper of city money shall be eligible to either board of said council, until he has settled with the city and obtained a *quietus*. And if, after election, any member of said council should remove out of the ward for which he was chosen, or become a candidate for or accept any office or agency, the holding or discharging of which would have rendered him ineligible, or should become interested, directly or indirectly, in any contract with said city, his seat shall be thereby vacated, and the vacancy shall be supplied as hereinafter directed. Stockholders in corporations may be eligible, but shall not vote on any question directly or indirectly affecting such contract, or any right or duty under the same.

§ 3. Representation shall be equal and uniform in the city of Louisville, and regulated by the number of qualified voters therein, which shall be ascertained from the census reports of the year 1850, and by an enumeration in the year 1857, and every eight years thereafter. And the general council first elected under this charter, and the general council first elected after each enumeration, shall lay off the city into such number of wards as the interests of the city may require, not exceeding twelve, as nearly equal in qualified voters as may be; and the qualified voters of each ward shall elect two qualified members of the board of common councilmen, and one of the board of aldermen.

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Representation to be equal and uniform.

Enumeration to be taken every eight years.

City to be laid off into wards.

§ 4. Common councilmen shall be chosen for one year, and no longer, and aldermen for two years, and no longer, from the day of their general election; but the board of aldermen first elected under this charter shall, within three months after election, divide themselves, by lot, into two classes—first and second—as nearly equal as may be in point of numbers, and the seats of members of the first class shall be vacated at the end of one year, and the seats of members of the second class shall be vacated at the end of two years from the day of their general election; and the seats of members, thus vacated, shall be filled by election of the qualified voters in their several wards, at the annual general election for members of the general council.

Term of office of councilmen & aldermen.

§ 5. Each board of the general council shall elect, from amongst its members, a president of the board for one year, and, in the absence of the president elect, a president *pro tem.*: and each board shall elect its clerk, and define his duties, and shall select, from amongst the police of the city, a sergeant-at-arms and doorkeeper, and shall prescribe the duties required to be performed by these officers. The clerk of each board shall receive such compensation as may be fixed by the general council, by ordinance; but the police officers, serving as sergeant-at-arms and doorkeepers, shall not receive any additional compensation for such services.

President and other officers of each board to be elected.

§ 6. Each board shall judge of the qualifications, elections and returns of its members; but a contested election shall be determined in such manner as may be prescribed by ordinance; each board may determine its own rules of proceeding, and prescribe the punishment of its members for disorderly conduct, and enforce the same, and, two-thirds of the members concurring, may expel a member for improper conduct while in office, but not twice for the same offense. It shall require a majority of the members elected to form a quorum of either board for the transaction of business, but a smaller number may adjourn from day to day, and, under the provisions of an ordinance,

Each board to judge of the election, &c., of its members.

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Journal of
proceedings to
be kept & pub-
lished.

Ordinances to
be published.

Of the meetings
of the council.

Pay of mem-
bers and privi-
leges.

Vacancies,
how filled.

Of passing of
ordinances.

may compel the attendance of absent members, by fines and penalties not exceeding ten dollars.

§ 7. Each board of said council shall keep a correct journal of its proceedings, and, immediately after adjournment of each session, shall cause the proceedings of that session to be published at least once in one or more of the daily newspapers printed in Louisville—such newspaper or newspapers to be selected annually by the general council, on joint ballot or otherwise, as may be prescribed by ordinance. And all ordinances shall, before being enforced, be published in the manner above provided for publication of proceedings, and all ordinances passed during the year, and unrepealed at the end of the term of service of each board of common councilmen, shall then be published, as the sheet acts of the general assembly of Kentucky are published, for the use of the general council, and for such distribution as may be prescribed by ordinance.

§ 8. The general council shall hold their meetings in such separate rooms in the court house, in said city, as may be provided and prepared according to ordinance; and the places of meeting, once fixed, shall not be changed, unless by ordinance designating different places, and adopted by a majority of two-thirds of the members elect in each board. They shall assemble in one week after their general election, and shall meet regularly once in every two weeks; and they shall not adjourn for a longer time, but may adjourn within that time to any day, and sit as long as business may require; but one board shall not adjourn when both are in session, without the consent of the other board, for a longer term than twenty-four hours.

§ 9. The members of the general council shall each receive two dollars per day for each day he is in attendance at the sessions of the board of which he is a member; and they shall be exempt from serving on juries of all kinds, and from military duty during their term of service; and for any speech or debate in either board, they shall not be questioned in any other place.

§ 10. All vacancies in either board of the general council shall be filled by election by the qualified voters of the ward in which the vacancy occurs, except vacancies occurring within three months of the annual general election, which shall be filled as may be prescribed by ordinance.

§ 11. No ordinance shall be passed by the said council until, on two several days, it shall have been read in each board, and free discussion allowed thereon, unless in cases of urgency a majority of two-thirds of the members elect of the board in which the proposed ordinance is pending, shall agree to suspend this provision; and no ordinance shall embrace more than one object, and that shall be expressed in the title; nor shall any ordinance be altered or

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Revenue bills,
where to origi-
nate.May provide
for enforcing or-
dinances.How money
to be drawn.The mayor, his
term of office.

Qualifications

When to enter
into office—his
compensation.

His duties.

amended in any way, except by repealing, and embracing in a new ordinance the portion intended to be retained.

§ 12. All propositions for raising revenue shall originate in the board of common councilmen; but the board of aldermen may propose amendments, as in other propositions: *Provided*, that they do not, under color of an amendment, introduce any matter not relating to raising revenue; and no ordinance shall be passed exempting any individual, company, or corporation from duties or burthens borne by others, or granting any privileges or immunities whatever, except as herein expressly allowed; but the general council shall have power to pass all ordinances necessary and proper to carry into effect the powers granted in this charter. And, to enforce ordinances, the said council may prescribe such fines and penalties as they may deem adequate, not exceeding one hundred dollars, except where other penalties have been prescribed herein.

§ 13. No money shall be drawn from the city treasury, except in pursuance of appropriations made by ordinance.

ARTICLE FOURTH.

§ 1. The chief executive officer of the city of Louisville shall be styled the mayor, and be elected for two years, and until his successor has been elected and qualified, by the qualified voters of said city, at the time and places, and under such rules and regulations as may be prescribed for the general election of members of the general council and city officers. No person shall be eligible for the office of mayor who is not at least thirty years of age, is not a qualified voter, and who has not been a *bona fide* resident of said city for three years next preceding his election, or who, at the time of his election, holds any other office under the said city, or who is directly or indirectly interested in any contract with said city; and if, after election, the mayor becomes directly or indirectly interested in any contract with said city, or an applicant for such contract, or becomes a candidate for any other office under said city, or accepts or becomes a candidate for any office or agency under the United States, or any department thereof, or of the state of Kentucky, or of the county of Jefferson, his office shall be thereby vacated.

§ 2. The mayor shall commence the execution of his office on the fourth Monday after the day of his election. He shall receive, as compensation for his services, two thousand dollars per annum, payable quarterly, and no more.

§ 3. The mayor shall be head of the police of the city, and may command them in the performance of executive duties; and, when deemed necessary by him to enforce the laws of the city, or to avert or to save life or property in cases of calamity, he may summon into service any of the citizens, either civil or military, and, in such cases, he shall

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be present and command in person; and the general council shall, by ordinance, prescribe suitable fines and penalties for disobedience of the mayor's summons or orders on such occasions.

Shall give information to the council.

§ 4. The mayor shall, from time to time, give to the general council information, in writing, of the state of the corporation, and such other information, when said council may require it; and he may recommend to the consideration of said council such measures as he may deem expedient. He shall exercise a general supervision over all the executive officers of the city, and may require from them, in writing, information concerning the duties of their respective offices. He shall take care that the ordinances of the city are faithfully executed, and shall perform such other duties, than those prescribed in this charter and not inconsistent therewith, as may be prescribed by ordinance.

All ordinances to be approved & signed by the mayor.

§ 5. Every proposed ordinance which has passed both boards of the general council, shall be presented to the mayor, and, if he approve, he shall sign it, and it then becomes an ordinance; but if he disapproves, he shall return it, with his objections, in writing, to the board in which it originated, which objections shall be entered at large on the journal of that board; and the board shall then proceed to reconsider the proposed ordinance, and if it is then adopted by such majority as was required to pass it originally in that board, it shall be sent, with the mayor's objections, to the other board, by which it shall also be reconsidered; and if again passed by such majority of the members as was required to pass it originally, it shall be an ordinance as though signed by the mayor; but in such cases the votes in each board shall be taken by yeas and nays, and recorded in the journal. If the mayor shall hold up a proposed ordinance for one week after it has been presented to him for approval, it shall be an ordinance as though he had signed it, unless the general council, by adjournment, prevent its return, in which case it shall be an ordinance as though signed by the mayor, unless returned to the council at the next meeting after the expiration of said week. And every order, resolution, or vote, except on a question of adjournment, shall be presented to the mayor, and, before it take effect, shall be approved and signed by him, or, being disapproved, shall be re-passed by a majority of all the members elect of each board, according to the rules and limitations prescribed in cases of proposed ordinances. For special reason deemed urgent, the mayor may convene the general council, and, in case of disagreement between the two boards thereof as to adjournment, he may adjourn them, but not longer than to the day prescribed for the next regular meeting of said council.

May convene the council.

Shall administer certain oaths & fill vacancies.

§ 6. When required to do so by the general council, the mayor shall administer the oath or affirmation of office to

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any and all executive officers of the said city; and any person violating such oath or affirmation, shall be subject to like pains and penalties as are prescribed by law for perjury committed before a judicial officer. And the mayor shall have power to fill vacancies in any of the executive offices of the city, by appointments, which shall expire when such vacancies are filled as herein provided for.

§ 7. Should the mayor be temporarily disabled, from any cause, from discharging the duties of his office, or should the office be vacated, from any cause, before the expiration of the term of office, the general council shall, upon joint ballot, elect a mayor *pro tem.*, who shall exercise the powers and discharge the duties of mayor, during the continuance of the mayor's disability, or until a mayor has been elected and qualified as herein prescribed. And the general council shall allow such compensation to the mayor *pro tem.* as they may deem adequate for his services.

When mayor
pro tem. may be
appointed.

§ 8. And there shall be elected by the qualified voters of said city, at the times and places provided for as hereinafter for the general election of members of the general council and city officers, one person as city attorney, one person as auditor, one person as treasurer, and one person as assessor of taxes, each of whom shall be chosen for two years, and until his successor is elected and qualified; and by the said qualified voters, in their respective districts, one person as collector of taxes for the eastern district, and one person as street inspector for the eastern district, and one person as collector of taxes for the western district, and one person as street inspector for the western district, each of whom shall be chosen for one year, and until his successor is elected and qualified; and by the said qualified voters, in their respective wards, two persons as trustees of the university and public schools of Louisville, who shall hold office as hereinafter provided for; and one person as day watchman, and two persons as night watchmen for each ward, and each watchman shall be chosen for one year, and until his successor is elected and qualified. And each one of the officers chosen as above provided for, shall, before entering upon his duties, take such oath or affirmation of office, and enter into bond with conditions and sureties, and in such form, as may be prescribed in this charter or by ordinance; and he shall perform such duties, and receive such compensation as may be prescribed in this charter and by ordinance. And no person shall be eligible to any of the offices above named, who is not, at the time of his election, a qualified voter and *bona fide* resident of said city for at least one year next preceding his election; and if chosen for a district or a ward, he shall be a *bona fide* resident of such district or ward at the time of his election; nor shall any person be eligible to the office of city attorney, who, in addition to the qualifications named above,

City officers
to be elected.

Qualifications
of such officers.

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Vacancies,
how filled.

Officers to be
appointed by
the council.

has not been for two years a licensed practising attorney; nor shall any collector of taxes be eligible to any office, unless he shall have accounted for all previous collections with said city, and obtained quietus; and persons, to be eligible to the office of trustee of the university and public schools of Louisville, shall possess the qualifications, as to citizenship, age, and residence, required by this charter for common councilmen: *And it is provided*, that if any officer elected for the city, or a district, or a ward, shall, after election, remove from the city, or district, or ward for which he was chosen, he shall thereby vacate his office: *And it is also provided*, that, except for the office of trustee of the university and public schools of Louisville, no person shall be eligible to any of the offices named herein, who, at the time of his election, holds any office or agency under the United States or this state, or who holds, or is directly or indirectly interested in, any contract with the city of Louisville; and any officer who, after his election, becomes a candidate for or accepts any office, the holding of which would have rendered him ineligible, or who becomes interested, directly or indirectly, or applies for any contract with said city, shall thereby vacate his office. And when any officer, elected under the provisions of this section, dies, or in any way vacates his office, the vacancy shall be filled by special election by the qualified voters of the city, or district, or ward, except in cases otherwise provided for in this charter.

§ 9. The general council shall, upon joint ballot, and at such time or times as may be fixed by ordinance, elect, for one year and until their successors are chosen, respectively, one person as wharf master, one person as keeper of the work house, one person as keeper of the poor or alms house, one person as keeper of the pest house, one person as physician for the eastern district, and one person as physician for the western district; as many persons as market masters as may be prescribed by ordinance, not more than one for each market house; as many persons as sextons as may be prescribed by ordinance, not exceeding one for each city cemetery; two persons as inspectors and gaugers of liquors, oils, and other liquids; two persons as inspectors of flour; two persons inspectors of pork, beef, lard, tallow, and butter; two persons as inspectors of salt; two persons as inspectors, weighers, and measurers of coal, wood, and lime; and the said council shall prescribe the duties, and regulate the manner of discharging the same, and fix the compensation and fees of each and all of the officers above named; and each of said officers shall, before entering upon the duties of his office, enter into bond, and take an oath or affirmation of office as may be prescribed by ordinance; and the general council may, by ordinance, prohibit any inspector

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from being a dealer in the article inspected by him, but such ordinance shall not be binding upon any such inspector in office when the same was adopted, until after the expiration of the term for which he had been elected. And the general council shall elect five falls pilots, who shall be chosen for a term of ten years after their first election, and whose fees shall be regulated, and their duties and bonds as may be prescribed in this charter and by ordinance; and the said council shall elect two tobacco inspectors for each tobacco warehouse in said city, whose term of service shall be two years, and until their successors are elected and qualified; and the said council shall provide for the election, by said council, upon joint ballot, of such number of inspectors and measures of brick and stone work, of carpenter's work, of painter's work, of plasterer's work, of lumber, of stone, and of any kind of building materials or other articles sold in Louisville; and shall, by ordinance, fix the number of such inspectors to be elected, their terms of office, and their duties, and regulate the manner of performing the same, and their fees: *And it is provided*, that no person shall be eligible to any office named in this section, who is not, at the time of his election, a qualified voter of said city, and has not resided in said city for one year next preceding his election, and, if elected for a district or a ward, he shall be a *bona fide* resident, at the time of his election, of the district or ward for which he has been chosen. And the general council shall, upon joint ballot, elect, from amongst the persons in each ward eligible to the office of watchman, one person as supernumerary watchman for each ward, for such term, not more than one year, as may be prescribed, who shall supply the place of either of the regular watchmen of the ward, temporarily unable, from any cause, to discharge his duties, and shall receive the compensation of the regular watchman for the time he discharges duty in his stead.

§ 10. The assessor of taxes shall nominate, and the general council, upon joint ballot, shall elect as many persons as assistant assessors of taxes as said council may, by ordinance, provide for, to be chosen for such term, receive such compensation, and perform such duties as shall be prescribed by ordinance.

Assistant assessors of tax, how appointed.

§ 11. The general council shall provide, by ordinance, for the election or appointment of all needful nurses and attendants for the poor or alms house, and pest house, and for guards and attendants at the work house, for assistants to sextons of city cemeteries, and for workmen and quarry men for the city quarry, and for servants to attend to any of the public offices of the city, and fix their compensation, and prescribe their duties, and provide for their punishment and removal for malfeasance or neglect in office.

Nurses to be appointed for poorhouse, &c.

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License inspectors
to be elected.

§ 12. The general council may provide for the election, by the qualified voters of the eastern district, one person for license inspector for said district, and, by the qualified voters of the western district, one person as license inspector for said district, to be chosen, for one year and until their successors are elected and qualified, respectively, at the same times and places, and to possess the like qualifications as hereinbefore required for street inspectors; and said council shall, by ordinance, fix the compensation, and prescribe the duties to be performed by license inspectors. And when it becomes necessary to elect collectors for railroad taxes, there shall be one person, qualified as herein provided for collectors of city taxes, elected by the qualified voters in each district for railroad tax collector for said district, at the general election for members of the general council and city officers; and railroad tax collectors shall be subject to all the provisions of this charter relating to collectors of taxes.

Collectors of
railroad tax.

Vacancies,
how filled.

§ 13. When any officer, elected by the general council, dies, or vacates his office in any way, the vacancy shall be filled for the remainder of the term, as herein provided for an original election; and in case any officer, elected by the qualified voters of said city under the provisions of this charter, shall die, or vacate his office within three months of the day of the general election for members of the general council and city officers, the vacancy shall be filled until the day of such general election, by election by said council, on joint ballot, of a person eligible to such office, according to this charter; and in case any district or ward of the city shall refuse to or fail to hold an election for officers, as provided for herein, the general council shall, upon joint ballot, elect such officers from the persons in such district or ward, eligible according to this charter; and the officers so elected shall perform their duties, and hold their offices for such terms, and be entitled to compensation as though elected by the qualified voters of such ward or district.

Council to ap-
point all other
officers.

§ 14. And all officers or agents of the city, or of any department of its government, not herein required to be elected by the qualified voters thereof, shall be elected by the general council upon joint ballot.

Certain officers
may be removed
from office.

§ 15. Executive and ministerial officers of the said city shall be removable from office by the board of aldermen, sitting as a court duly sworn or affirmed, upon charges preferred by the mayor thereof; (but in case of the mayor, upon charges preferred by the board of common councilmen;) and no person shall be removed from office without the concurrence of two-thirds of the members of the board of aldermen. When a person has been removed from office, he shall not be re-eligible thereto until the expiration of the term for which he had been elected.

§ 18. When, in elections by the qualified voters of the city, or districts, or wards, two candidates are equal and highest in votes for the same office, there shall be a new election for that office ordered. Cases of contested elections shall be heard and determined by the general council, and under such rules as may be prescribed by ordinance.

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How tie and contested elections to be decided.

ARTICLE FIFTH.

§ 1. The judicial power of the corporation shall be vested in, and exercised by a court, styled the city court of Louisville, which shall be held by a single judge, to be elected and qualified, and hold office as prescribed in the constitution of this commonwealth.

Judicial power vested in city court.

§ 2. The city court of Louisville shall be a court of record, and shall have the power, jurisdiction, and authority of a justice of the peace of the county of Jefferson over slaves and free negroes, and the powers of a justice of the peace to require surety for good behavior, and for the peace, and in all matters of penalties for a violation of the laws of this commonwealth, and the ordinances of the general council; and, as to committing criminal offenders and sending them on for trial, shall have the power of two justices of the peace, but shall not have or exercise any authority in judicial matters, except as granted in this charter, but shall have exclusive jurisdiction of all pleas of the commonwealth arising within the city of Louisville, except cases of felony; and said court shall have power and authority to take recognizances, from persons charged with offenses cognizable before said court, to appear and answer, the same that the circuit courts have, and the like power to enforce a compliance with the same; and the city court of Louisville shall have the same power and authority, within the said city, to bind out orphan children, and the children of persons who are not able, or, from their habits and character, are not likely to bring them up in honest courses, that the county courts of this commonwealth have in their respective counties.

Jurisdiction & powers of the city court.

§ 3. The city court of Louisville shall, according to the laws of this commonwealth, have jurisdiction and authority to issue writs of *ad quod damnum* in the case provided for in the first section of the seventh article of this charter.

"City court may issue a writ of *ad quod damnum*

§ 4. The city court of Louisville shall have exclusive jurisdiction in all cases of petty larceny within said city, or cases punishable by stripes, under the same laws, rules, and regulations that the Jefferson circuit court now has; and the persons found guilty thereof, in said court, instead of receiving stripes, as now provided by law, shall be imprisoned in the city work house for not less than one month nor more than six months; and the said court shall, on presentment of a grand jury, try vagrants as other per-

To have exclusive jurisdiction of all cases of petty larceny.

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sons guilty of misdemeanors are tried in said court, and, if found guilty, they shall be sentenced by said court to labor in the city work house for six months.

Salary of judge.

§ 5. The judge of the city court of Louisville shall receive an annual salary of fifteen hundred dollars, payable out of the treasury of this commonwealth quarterly. And in consideration of the fines and forfeitures recovered in favor of the commonwealth, in said court, granted to the city of Louisville, it shall be the duty of said city, on the first day of December next, and on the first day of December in each succeeding year, to pay into the treasury of this commonwealth the like sum of fifteen hundred dollars.

Clerk, his qualifications.

§ 6. The clerk of the city court of Louisville shall possess the qualifications, and hold his office, and be liable to the same penalties, and give bond with like conditions, and be elected as prescribed for clerks of county courts of this commonwealth.

His fees and compensation. §

§ 7. The clerk of the city court of Louisville shall be entitled to receive the same fees allowed to the clerks of the Jefferson circuit and county courts for similar services, and with the same power and authority for the collection of the same, and subject to the same fines and penalties for illegal charges, to be recovered in the same manner. The general council shall allow to said clerk such additional compensation as they may deem reasonable, for fees against the city on ordinance, and for fees in cases where the parties have been committed to the city work house, and for *ex officio* services; but said allowances shall not be less than the fees would amount to, if made out according to charges for similar services, unless it be with the consent of said clerk.

How process of city court to be executed.

§ 8. The process of the city court of Louisville shall be directed to, and executed by the marshal of said court, and shall run in the name of the commonwealth of Kentucky; and the process of said court may run into any county of this commonwealth; and the marshal of said court shall have the same power and authority to constitute a bailiff to execute any process directed to him, by indorsement on the back of the process, that the marshal of the Louisville chancery court has; but the judge of said court may, for special cause, direct the process of said court to any sheriff, deputy sheriff, constable, or other discreet person, and the person executing the process of said court shall be entitled to the like fees for the like services, and to the like remedy for the collection thereof, as the sheriff of Jefferson county for like services, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

Fines & forfeitures granted to the city.

§ 9. The fines and forfeitures recovered in favor of the commonwealth, in said court, are hereby granted to the city of Louisville for the benefit of the university and pub-

lie schools of Louisville ; and all presentments and indictments against said city for violation of the laws of the commonwealth, or for breaches of ordinances, are to be tried in the Jefferson circuit court; and any fine or forfeiture that may be levied therein against said city, shall be paid into the treasury of this commonwealth.

§ 10. The city attorney shall be the prosecuting attorney in the city court of Louisville. He shall receive an annual salary of seven hundred dollars, payable out of the treasury of said city quarterly; and he shall be entitled to the like fees for the like services as are allowed by law to the prosecuting attorneys in the circuit courts of this commonwealth.

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City attorney,
his salary & fees

§ 11. Upon all judgments rendered in said court, whether in favor of the commonwealth or of the city of Louisville, it shall be lawful for the prosecuting attorney of the city court to cause a *fi. fa.* to be issued, to be levied on the estate of the defendant, or to take a *capias pro fine*, requiring the imprisonment of the defendant in the city work house, until the fines and costs are paid; but the person so imprisoned shall have the right, if he elects to do so, to discharge the same by labor in the city work house, at seventy-five cents per day; and, after agreeing so to do, every such person shall be bound to conform to the rules of the work house, as it regards labor and discipline, unless he shall after having made such election, replevied or paid the judgment, or such portion thereof as remains unpaid.

How judgments
in favor of the
common wealth
to be collected.

§ 12. Appeals and writs of error shall lie from the decision and judgment of the city court of Louisville to the court of appeals, in all cases where the fine exceeds twenty dollars, in like manner that appeals and writs of error lie from the decisions and judgments of the circuit courts; and in cases where the fine is twenty dollars or less, and is imposed under ordinances, and the defendant wishes to test the validity of the ordinances under which the same is imposed, the proceedings shall be by writ of prohibition from the Jefferson circuit court, as in other cases of prohibition, and not otherwise.

How appeals,
&c., from judg-
ments of city
court to be pro-
secuted.

§ 13. The city court of Louisville, so far as it is a police court, and court of inquiry, shall be always open for the hearing and determining such cases as a single judge, by the constitution and laws of this state, may hear and determine, without the intervention of a grand or petit jury; and said court may make such reasonable rules and regulations, for the speedy hearing and determining of all such cases, as to afford reasonable notice to the parties, and a prompt administration of justice. And, for the trial of pleas of the commonwealth, there shall be monthly terms of said court, to commence on the first Monday of each month, and to be continued from time to time, as the business may require; and said court shall have power and authority to cause a

When city court
shall be held.

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grand jury to be impaneled and sworn, whenever business may require it, or render it proper, and juries to be summoned whenever necessary; said court may continue a cause to any day during the term, without delaying the trial thereof to the first day of the ensuing term; and whenever any grand jury may return into said court an indictment or presentment, said court shall have the power and authority to set any such cause for trial on any day during the term at which said indictment or presentment may be returned into court, and cause the necessary process to issue thereon, returnable to such day as said cause may be set for trial. And said court shall not be opened earlier than eight o'clock, A. M., in the months of May, June, July, and August, and not earlier than nine o'clock, A. M., of each day during the rest of the year, for the transaction of business, and shall be considered open on all days, after said hour, Sundays excepted.

§ 14. The proceedings in the city court of Louisville, when the fines and penalties are imposed under the acts of the legislature, shall be in the name of the commonwealth; and when the fines and penalties are under the ordinances of the city, the proceedings shall be in the name of the city of Louisville.

Marshal of city
court, his duties
and liabilities.

§ 15. The marshal of the city court of Louisville, and all others, to whom the process of said court shall be directed and come for execution, shall be bound to execute and return the same within the time prescribed, by law, for sheriffs to execute and return similar process; and, on their failure, they and their sureties shall be liable to the same fines and penalties that sheriffs are, as also for not paying over money collected on executions; and said court shall have power and jurisdiction to hear and determine motions against them and their sureties, for failures, in like manner as the circuit courts have power and jurisdiction to hear and determine motions against defaulting sheriffs, or to proceed, by fine and imprisonment, to enforce the due execution and return of process as other courts of record.

Attachments
in chancery may
issue on return
of no property.

§ 16. A return of not found on a *capias pro fine*, and of no property found on a *fi. fa.*, issued on the same judgment in the city court of Louisville, shall authorize an attachment out of chancery, in favor of the commonwealth or of the city of Louisville, against the choses in action, and effects of the defendant or defendants, in the same manner that the return of no property authorizes an attachment in chancery on judgments rendered in the circuit courts.

Powers and
duty of clerk.

§ 17. The clerk of the city court of Louisville shall have power and authority to issue warrants for the apprehension of persons charged with felony, or violation of the penal laws; also, for the apprehension of persons charged with being persons of evil fame; also, for the apprehen-

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tion of persons for whom surety of the peace is claimed; also, search warrants; and he shall administer the necessary oath before issuing any such warrant, as required by law, and he shall make the warrant returnable before the judge of the said court, not amounting to felony; and all recognizances, not amounting to felony, nor for the appearance of witnesses in cases of felony, shall be made returnable before the said court on the first Monday of the ensuing month after the taking of the same, or any day during the term at which such recognizance was taken, that the court may direct. And the clerk of said court shall, at each term, make out a docket of all causes for trial at said term; and he shall not set for trial, on any one day, more causes than can be reasonably tried.

§ 18. The clerk of the city court of Louisville shall have power and authority to issue the necessary meane and final process, in all cases cognizable before said court; and the marshal of said court shall have power and authority to take bail, under any process which he may have executed, and when, by law, the party is entitled to bail, and the sum is fixed by law, or is indorsed on the writ; and the city attorney, as prosecuting attorney in said court, shall be entitled to the same fees that a commonwealth's attorney is entitled to for similar services; and he shall be entitled to the fee authorized by law for prosecuting persons to conviction for retaking spirits and other liquors, without license.

Further powers
of said clerk.

Fees of city
attorney.

§ 19. In all prosecutions in the name of the commonwealth, in the city court of Louisville, to carry on which the name of a prosecutor is required, by law, to be set at the foot of the indictment or presentment, and a police officer, in discharge of his duty, in good faith, shall authorize his name to be placed on the same as prosecutor, and said indictment be quashed, dismissed, a *nolle prosequi* to be entered, or the person or persons indicted therein be acquitted, without the fault or neglect of such prosecutor, then and in that case the said police officer shall not pay the costs of prosecution, but the clerk may tax them against the city of Louisville, as the real prosecutor, and execution may go therefor, as in other cases under the seventh section of this article, and may be and stand as *ex officio* services by said clerk; and if it shall appear that such prosecuting police officer acted in bad faith in said prosecution, in any manner as aforesaid, he shall be removed from office, and thereafter be incapable of holding any office in the police of the said city. On all peace warrants, or for evil fame, from before said court, the costs thereof shall be taxed to the failing party, as in other proceedings at law between party and party, except in cases in *forma pauperis*, and execution shall go therefor as in other cases of the commonwealth.

Police officer
entered as pro-
secutor not liable
for costs in cer-
tain cases.

1851.

Penalties for
allowing slaves
to become a
charge on city.

§ 20. Any person or persons who shall suffer or permit his, her, or their slave or slaves to be within the city of Louisville, and make no provision for their support and maintenance in their old age or infirmities, each and every such person shall be liable to the city of Louisville for double the amount expended by the authorities of said city in the maintenance of or administering to the infirmities of any such slave; and, on petition to the judge of said court by the mayor, marshal, or any deputy marshal, or any watchman of said city, whose duty it is hereby made so to do, and on ten days' notice, in writing, to the owner or owners, said judge shall have power and authority to issue an order upon the owner or owners thereof, for the maintenance of such old or infirm slave or slaves, and enforce the same by attachment or otherwise; and, if the owner or owners reside out of the city of Louisville, also for the removal of such old or infirm slave or slaves out of the city of Louisville, and to enforce the same in like manner. Slaves found hiring their own time, or working under persons who stand masters for them, either as buyers or hirers, until they pay for themselves, shall, by order of said court, be sent to the work house for three months, 'till the master, mistress, or hirer of such slave, if within said city, shall be summoned to show cause against it; and the person who shall be convicted before said court as standing master for such slave, shall be fined not less than twenty-five dollars nor more than fifty dollars.

Penalty on
slaves hiring
their time.

Assemblies of
colored persons
not permitted
without license.

§ 21. No place or house for the assembly of colored persons shall hereafter be located within the limits of said city, for any use or purpose whatever, without the license and consent of the general council; and all such houses or places now existing in said city, and the assemblies of colored persons attending the same, and all such houses or places hereafter established, and the persons attending the same, shall be regulated by ordinance, and, also, the conduct of persons going to and returning from such places, both free colored persons and slaves; and for any violation of any such ordinances, a free colored person shall be fined not less than ten dollars nor more than fifty dollars, and a slave shall receive not less than ten nor more than thirty lashes, to be enforced before the city court of Louisville. And for good cause the general council may provide for the closing up any house or place of assembling of colored persons within said city, and may provide for silencing any preacher or teacher of colored persons, for misconduct; and all meetings or assemblies of colored persons within said city shall be under the visitation of the police, and especially under that of the watchmen of each ward, respectively.

Penalty there-
for, &c.

Council may
close such
houses.

Council may
elect interpreter
for city court.

§ 22. The general council shall have power to elect an interpreter to the city court of Louisville, who shall be in

attendance on the sittings thereof, when needed; shall be under the orders of the judge of said court, and said judge shall regulate his duties in court. For failure in his duties, the interpreter may be removed by said general council; and said council shall, by ordinance, fix his compensation, either per diem or per annum; and the judge of said court shall certify the number of days of attendance and service of said interpreter.

§ 23. Boarding houses and livery stable keepers in the city of Louisville, shall have the like lien on the property of their guests, in their care or put at livery, as tavern keepers now have, and shall be answerable for the safety of property confided to their care, as tavern keepers are now liable; and justices of the peace for Jefferson county, within the city of Louisville, shall have jurisdiction in all cases of liens, for sums of fifty dollars and less on personal property, as the Louisville chancery court, to enforce the same; and may proceed by attachment *in r.m.*, in case of absence of the person indebted from the state, or *in personam* where process may be served on the defendant.

Lien on property granted boarding houses and livery stable keepers.

§ 24. In all cases arising in the city of Louisville, justices of the peace shall have jurisdiction in replevin for rent, and for other cases of sums of fifty dollars and less, as the Jefferson circuit court now has above that sum; and in all cases of distress for rent, for sums of fifty dollars and less, the papers shall be, by the officer levying the same, returned before the justice issuing the warrant; and the same proceedings may be had before him as are now required by law to be had in the circuit court, and, on the demand of the defendant in the warrant, the justice shall cause a trial to be had before him, as in other cases, to ascertain, by due proof, the actual amount of rent due and owing, and execution or order of sale shall go for that sum, and no more.

Jurisdiction of justices in certain cases.

ARTICLE SIXTH.

§ 1. The general council shall have power, annually, at such time or times, as of such day or days, and in such manner as they may direct, to cause to be assessed, at its fair cash value, such real and personal estate and slaves within the city of Louisville, as the said council may designate; and, in like manner, shall cause to be listed all free male inhabitants of said city of the age of twenty-one years and upward.

Property in Louisville to be annually assessed.

§ 2. The general council shall have power to require the mayor and other proper officers of said city, at such times as the council may direct, to furnish estimates, in writing, of the expenses to be incurred for the next ensuing year in the well governing and ordering of said city throughout; and to meet such expenses, said council shall have the power, annually, to levy and collect an *ad valorem* tax of

Mayor and other officers to furnish council estimates of expenses.

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Shall levy and
collect annually
an *ad valorem*
de poll tax.

not exceeding one dollar on each one hundred dollars worth of the property to be assessed as aforesaid, including a tax of not exceeding five cents on each one hundred dollars worth thereof, for the support of the poor; and a tax of not less than twelve and a half cents nor more than twenty-five cents on each one hundred dollars worth thereof, for the support of the public schools and high school for females, of said city, and the university of Louisville; and also to levy and collect a tax of not exceeding one dollar and fifty cents, each, on the inhabitants to be listed as aforesaid; but such taxation shall be uniform and equal upon every description of property assessed, and upon all inhabitants listed as aforesaid: *Provided*, that the merchandise and articles of trade in stores, which shall be commenced and assessed after the day for the ending of the general assessment, shall be taxed a ratable amount in proportion up to the beginning of the next general annual assessment.

May license &
tax Wholesale &
retail houses.

§ 8. Said council shall have power to license and tax, and to provide by ordinance for license and taxing—1st. Any retail grocer, confectioner, victualer, hawker, huckster, peddler, or other retailer of any goods, wares, merchandise, provisions, or other articles, not selling malt, spirituous, vinous, or fermented liquors, at not more than one hundred dollars each. 2d. Any other merchant, dealer, or trader in coal, wood, lumber, clothing, drugs, medicines, goods, wares, merchandise, or provisions, at not more than one hundred and fifty dollars each. And said council shall have power, by ordinances with adequate penalties, to enforce the taking the licenses authorized to be granted by this charter; but the goods and other articles in trade of the persons procuring such licenses shall not, in the same year, be subject to the *ad valorem* tax hereinbefore authorized.

May license &
tax lectures, &c
and certain oc-
cupations.

§ 4. No person shall, without first obtaining a license from the general council, or according to the provisions of ordinances relating to licenses, but any person, after obtaining such license, may give, make, or exhibit, for money or property, any lecture, concert, theatrical exhibition, or other exhibition, show, or performance, within said city; or run any vehicle within said city for profit or hire; or keep within said city any livery stable, pork house, exchange office, broker's office, telegraph office, insurance office or agency therefor, lottery office or agency therefor, not in contravention of the general laws of the state, real estate agency, or office for the purchase and sale of real estate, bowling alley, shooting gallery, taven, hotel, public boarding house entertaining transient guests, or other house or place of public resort or entertainment, any coffee house, or other house or establishment wherein malt, spirituous, vinous or fermented liquors are sold by retail, or any office

or place for the sale of slaves, or any person engaged in purchasing or vending slaves as a business, within said city, for which licenses said council may charge as follows: 1st. For concerts, lectures, (except such concerts or lectures which the council may deem of public benefit, and which they may license without charge,) theatrical exhibitions and other exhibitions, shows, and performances, given, made, or exhibited for money or property, in said city, such sums as the council may deem proper. 2d. For vehicles running within said city for profit or hire, not less than two dollars nor more than twenty dollars: *Provided*, the general council may fix the lowest rate on those vehicles running to points or places beyond the limits of the city. 3d. For pork houses, exchange offices, brokers' offices, telegraph offices, insurance offices and agencies therefor, not less than fifty nor more than three hundred dollars, each. 4th. For lottery offices and agencies therefor, not less than one hundred nor more than five hundred, each; and for any office or place for the purchase, or exchange, or traffic in slaves, or for any person or firm engaged in purchasing or vending slaves as a business, within said city, not less than one hundred dollars nor more than three hundred dollars, each. 5th. For bowling alleys and shooting galleries, not less than thirty dollars nor more than two hundred dollars, each. 6th. For taverns, hotels, public boarding houses entertaining transient guests, and other houses or places of public resort or entertainment, wherein no malt, spirituous, vinous or fermented liquors are sold by the retail, (excepting houses of ill-fame, gambling houses, and cock-pits, which shall not be licensed,) not less than ten dollars nor more than two hundred dollar, each. 7th. For coffee houses, taverns, and other houses and establishments wherein malt, spirituous, vinous or fermented liquors are sold by retail, not less than fifty dollars nor more than three hundred dollars, each. 8th. Livery stables, real estate offices, or offices for dealing in real estate, by purchase, sale, or exchange, not less than ten dollars nor more than fifty dollars, each. *It is provided, however*, that residents of the city giving concerts or lectures therein, and persons running vehicles for their own or family's use, and not for profit or hire, shall not be required to procure licenses therefor: *And, it is further provided*, that every agent of an insurance company, not chartered by the state of Kentucky, shall, before he grants or issues any policy in the city of Louisville, or collects any premiums of insurance, deposit an authenticated copy of the charter of such company with the auditor of the city. And no license shall be granted for selling any spirituous, vinous, malt or fermented liquors in any theatre or circus, or at any show or exhibition whatever; and such selling shall be prohibited by ordinance, fixing adequate fines and penalties for the violation thereof.

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Rate of charges.

Concerts, &c.

Running vehicles, &c.

Porkhouses, &c.

Lottery offices, &c.

Bowling alleys, &c.

Taverns, &c.

Coffee houses, &c.

Livery stables, &c.

Foreign insurance agencies.

1851.

Auctions to be
licensed.

§ 5. The general council may grant licenses to persons to sell, by auction or public outcry, horses and other live stock, and vehicles, and charge therefor not more than seventy-five dollars; and the general council shall have power to license and tax, in such sums as they may deem proper, the exhibiting or playing of games of any kind not prohibited by the general or other laws of this commonwealth, and may enforce the taking out the license, and paying the tax for any such games, by ordinances, fixing fines and penalties not exceeding five hundred dollars.

Stores, &c., to
be rated & taxed

§ 6. The general council shall have power, from time to time, to rate all the stores, coffee houses, and other establishments, named in the third and fourth sections of this article, or any of them, by classes; adopting as many classes as said council may deem advisable, and charge for licensing same according to the respective classes: *Provided*, that the same system or mode of rating shall be applied to all establishments of a similar kind.

Licenses not
to be granted for
a longer period
than one year.

§ 7. No license shall be granted for a longer period than one year, and, before the granting or issuing any license, the tax required therefor shall be paid into the city treasury; and no license shall be taken as granted until regularly issued; but when a license is issued, it shall bear date with the commencement of the store or other establishment, or business, or thing licensed, or, if a renewal of license, shall be dated from the day of the expiration of the previous license. Licenses may be transferred by the grantee, or his legal representatives, to *bona fide* purchasers thereof, of good character, or to a different place in the city to which the grantee's business may be actually removed, and the council shall ratify the same: *But it is provided*, that two places shall not be covered by the same license at the same time. In licensing drays or carts, the general council shall fix a higher charge for those with more than one work beast; and said council may, under the same license, permit the running of either a cart or a dray, but not the running of both at the same time.

Fund to be
created to pay
city liabilities.

§ 8. The proceeds of all of the aforesaid licenses, or of any *ad valorem* tax levied in lieu of them, or of any part of them, and the proceeds of all notes and bonds now held by the city of Louisville for money coming to her, whether due or not due, also, the net proceeds of the wharves and market houses of the said city, shall be and are hereby set apart as a fund to pay all the existing liabilities of said city, whether due or not due, and the accruing interest thereon; and until said liabilities shall be fully discharged or provided for, as hereinafter directed, no portion of said funds shall in any manner be used or applied to any other purpose, except as hereinafter provided; nor shall any warrant or order upon the treasurer, nor any demand against said city, except upon liabilities now existing, be

received in payment of any taxes, licenses, or demands, or other sources of revenue, hereby appropriated to said fund. Whenever there shall be a surplus of said funds which cannot be applied to the extinguishment of said liabilities, or the interest thereon, it shall be vested in profitable stock, or loaned as the general council may direct by ordinance; and such investments shall be set apart for and held subject to such liabilities: *Provided, however*, that when such investments, and the interest thereon, shall be sufficient to pay the interest, and secure the prompt payment of the principal of said liabilities then remaining unpaid, no further appropriations shall be made to said fund. The mayor, treasurer, and president of the board of aldermen shall be commissioners of said fund, and manage the same, under the directions of the general council; and said council shall make all other needful regulations for the management of said fund, and the application to the purposes aforesaid: *Provided*, that the bonds of the city to the Louisville gas and water company, and to the Louisville and Frankfort railroad company, and the liabilities of the city for the current expenses of the present fiscal year, shall be and are hereby excepted from the foregoing provisions of this section.

§ 9. After the first day of January, 1852, no note, bond, certificate, or other evidence of indebtedness by said city, shall be issued to any person for any sum less than one thousand dollars; nor shall any warrant or order for the payment of money be issued to the treasurer, unless, at the time of such issue, there shall be funds in the treasury applicable thereto sufficient to pay the same, and all other warrants or orders then outstanding.

§ 10. In the name of the city, and to promote its improvement, and the comfort, convenience and advantage of the inhabitants thereof, said council shall have power to subscribe for, hold and sell stock in any corporations, and to purchase, hold and sell any real or personal estate, within or without the limits of said city, and to borrow money, and to give or loan the credit of said city in aid of any person or corporation, but only for appropriate municipal objects; but in the purchase and sale of real estate, in the sale of stocks, or subscribing therefor, in all acts or contracts for raising money, or involving the expenditure thereof, the concurrence, upon different days, of a majority of all the members of each board of the general council shall be required, nor shall the council make or authorize any contract (except as herein specially authorized) for the payment of money at a day beyond the current fiscal year ending the tenth day of March; nor contract, or authorize to be contracted, any debt or liability on the part of said city, beyond the amount of the revenues thereof for the current fiscal year, applicable to the payment of said debt

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Any surplus of said fund to be invested by the city.

After Jan. 1, 1852, no city bond less than \$1000 to be issued.

Council may subscribe, hold, and sell stock in corporations for municipal objects.

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or liability, nor without providing for the payment thereof out of such revenues, except as hereinafter authorized and provided; and every act, contract or liability done, made or incurred, contrary hereto, shall be void as against the city, its property and its revenues, but binding on the mayor, if he shall sanction the same by his signature, and the members of the general council, jointly and severally, who, being present, failed to record his or their votes against the same on the journals.

The council may contract debts beyond the revenue of the year, provided the same be approved by the voters of the city.

In which case an annual tax shall be levied and collected sufficient to pay interest & principal as it falls due.

§ 11. For the purposes named in the last section, said council may contract debts and liabilities on behalf of said city, beyond the amount of the revenues of the current fiscal year, and payable within or beyond such year: *Provided*, that the ordinance where any such contract shall be made or authorized shall be published at least three times, in two daily newspapers published in said city, and shall, at least sixty days after the first date of such publication, at a general election held in said city for officers thereof, or on a special day to be designated by the general council, be approved by a majority of all the votes cast for and against it by the qualified voters of said city: *Provided, also*, that provision shall be made, in such ordinance, to levy and collect an annual tax upon such estate within said city, or to appropriate such property and revenue belonging to said city, as may be designated by said council, sufficient to pay the interest on such debt or liability, as the same shall become due, and to discharge the principal thereof within thirty years; but if the city shall hold stock in any corporation for which any such debt shall have been incurred, and the dividends upon such stock shall be sufficient to pay the interest and secure the principal of such debt, the general council shall have power to set apart such stock and dividends to pay the interest and secure the principal of such debt, and, with the consent of the creditors interested therein, to repeal or suspend all other provisions made for the payment thereof.

May levy and collect taxes for the purposes named in last section.

§ 12. For the purposes, and subject to the provisions contained in the last section, the general council shall have power to assess, levy, and collect the necessary taxes upon such real estate, or such personal and real estate within said city, as they may designate, in addition to the taxes hereinbefore authorized to be levied; and shall have power, and it shall be their duty to make all needful regulations for the appropriation of such taxes to the objects for which they may be levied; but such taxes shall be *ad valorem*, equal and uniform upon every species of property assessed; and the said council shall also have power to pledge, mortgage and sell any revenues and property, real or personal belonging to said city, excepting the revenues and property hereinbefore appropriated to the payment of the existing liabilities of said city, until the same shall be discharged

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and paid, or provided for as hereinbefore prescribed, and excepting the property and revenues herein set apart for the support of the poor and of the public schools of said city. Whenever said council shall subscribe for stock in any corporation, which shall be paid for by taxes levied upon property, as hereinbefore authorized, said council shall have the power to divide such stock *pro rata* amongst the persons and corporations paying such taxes, and, for that purpose, to make all necessary and proper regulations. The general council shall not have power, under this and the two preceding sections of this article, to levy a tax exceeding seventy-five cents on each one hundred dollars worth of property, in addition to the tax authorized to be levied in the second section of the sixth article.

§ 13. The general council shall have power, and it shall be their duty to make all needful regulations for taking the votes of the qualified voters of said city, in the cases provided for herein.

To regulate elections for such purposes.

§ 14. The general council may annually assess and collect, in addition to the taxes hereinbefore authorized, upon the houses and lots fronting on the squares, streets and alleys of said city, lighted with gas by the Louisville gas company, a tax to such amount as will pay the cost of the public gas lights, and the expense of collecting such tax; and when such tax is collected, it shall be applied to the payment of the expense of such lights.

May levy and collect gas tax.

§ 15. All tracts of land within the limits of said city, not laid off into squares or lots, shall be assessed for taxation by the acre.

Land, other than lots, to be taxed.

§ 16. For all taxes levied as hereinbefore authorized, the said city shall have a perpetual lien, relating back to the day of assessment, upon all real and personal estate therein, belonging to the persons or corporations owing such taxes; also, a lien upon all personal estate found upon and belonging to the tenant of any real estate, for the taxes due upon such real estate: *Provided*, that purchasers of property from persons owing taxes shall be liable only for the taxes upon the property purchased: *And further provided*, that any tenant claiming under, or agent acting for, the owner of any real and personal estate in said city, and paying taxes thereon, shall have a lien thereon, and the right to hold possession thereof, until the person actually entitled to possession shall pay or tender him the amount of such taxes, and legal interest, unless the person actually entitled, as aforesaid, shall also have paid said taxes to the city: *It is also provided*, that nothing herein shall affect any contract between such tenant or agent and owner concerning said taxes.

City to have a lien on property for the payment of taxes.

§ 17. The general council shall annually, before the commencement of the fiscal year, lay off and divide the city of Louisville into two districts, as nearly equal as possible as

City to be divided into two districts.

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to revenue—an eastern district and a western district. And for the general expenses and liabilities of the city, the revenues collected in both districts shall be subject to appropriations in equal proportions; but for improvements or expenses of any kind, to be paid for out of the city treasury, which are located or incurred within either of said districts, the revenue collected within that district shall alone be subject: *Provided, however*, that the general council may, by a majority of two-thirds of the members elect of each board, appropriate a portion of the revenue collected in one district for an improvement or for expenses incurred within the other district: *And, provided also*, that any surplus of the revenue collected for general purposes, remaining in the treasury unappropriated at the end of the fiscal year, may, by the general council, be added to the fund for paying the interest and principal of the existing liabilities of the city, as provided for in section eight of this article.

Collectors to execute bond.

§ 18. Each collector of city or railroad taxes, elected under the provisions of this charter, shall, within fifteen days after his election, and before entering upon the duties of his office, execute bond to the city of Louisville in the penalty of twenty thousand dollars, with at least three responsible sureties, residents of Louisville or elsewhere in Jefferson county, conditioned for the true and faithful performance of his duties as collector according to the requirements of this charter and the ordinances of the city relating thereto: *And, it is provided*, that the general council may extend the time for accounting for and paying over moneys collected by said collector, without releasing him or his sureties from the bonds executed by them.

Council to prescribe the mode & manner the collectors shall perform their duties.

§ 19. The general council shall prescribe, by ordinance, in what sum or sums, and at what time or times each collector of city or railroad taxes shall collect and pay over the amount of tax bills placed in his hands; but they shall require that each collector shall collect and make returns, as prescribed by ordinance and this charter, of the whole amount of bills placed in his hands for collection, before the tenth day of March next after such bills were placed in his hands. And the said council shall also prescribe, by ordinance, the rate or rates of commission to be allowed as compensation to each collector on the amount of collections made by him; but the aggregate of compensation allowed to any collector shall not exceed fifteen hundred dollars per annum.

Collectors may levy on personal or real property for taxes.

§ 20. When it is necessary to enforce the collection of any tax bill, in default of payment by the person owing the same, the collector in whose hands the bill has been placed shall make a levy on personal property, if any such is to be found in the city belonging to the person owing the tax bill, or upon personal property belonging to any

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tenant of, and found in or upon any house or lot belonging to the person owing the tax bill, for the taxes due on the property occupied by such tenant; and, after making the levy, and taking possession of the property levied on, he shall advertise the same in one of the daily newspapers printed in Louisville, to be sold on some day designated in the advertisement, and at least ten days after the day of the first publication, between the hours of ten o'clock, A. M., and three o'clock, P. M., at the court house door in said city. But when no personal property can be found, as aforesaid, the said collector may levy upon any lot or lots of ground, or house or houses on leased ground in said city, belonging to the person owing the said tax bill, and, after making the levy, shall advertise the same in one of the daily newspapers printed in the said city, to be sold on a day designated in the advertisement, and at least twenty days after the first day of publication, if the owner be a resident of Louisville or Jefferson county, and at least six weeks after said day, if the owner be a non-resident of Louisville or Jefferson county, between the hours of ten o'clock, A. M., and three o'clock, P. M., at the court house door in said city: *And, it is provided*, that before selling any property, as above provided for, the collector who made the levy shall give notice to the owner, if a resident, and if he is a non-resident, and his place of residence be known, he shall write to him on the first day of publication of notice of sale, as above, and send a copy of the advertisement.

Notice to be
given to owner
before sale.

§ 21. Should any person or persons, against whom a collector of city or railroad taxes has a bill or bills for taxes, have no personal property in the city but slaves, said collector shall levy upon and sell any or all such slaves before a levy is made upon real estate; and the same proceedings shall be had in selling slaves as are required in the sale of personal property, as prescribed herein.

Slaves may also
be sold before
real property.

§ 22. Within two weeks after making sale of any property for taxes, the collector making the sale shall render to the general council a full report of his proceedings therein, including a list of the property sold, and of the names of the owners and purchasers, and a description of the property; and he shall, also, hand in with the report a copy of the newspaper containing the advertisement of sale, with the certificate of the printer or publisher, showing the time when the advertisement was printed, which certificate shall be sworn to before a justice of the peace for Jefferson county; and the collector shall, also, make affidavit before a justice of the peace of said county that he has complied with all the requirements of this charter and the ordinances of the city in relation to making the levy, advertising, giving notice to owners, and selling; which affidavit shall form part of the collector's report.

Collector to
make report of
such sale to the
council.

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Council may regulate duties of assessors and collectors.

§ 23. The general council shall have power to make all needful ordinances for regulating the assessors and assessments of taxes, the collectors and collections of taxes, and the sale, redemption, and conveyance of, and costs and fees for levying, advertising, and selling, and mode of advertising and selling, property sold in default of payment of taxes due: *Provided*, that no ordinance shall in anywise contravene the provisions of this charter.

May appoint an officer to attend all sales and bid for city.

§ 24. The general council may designate an officer of the city to attend all sales of property sold for taxes due said city, who shall, if no other person will bid an amount sufficient to pay the taxes, and all fees and costs accrued, bid in the property for the city.

May license auctioneers.

§ 25. The general council shall have power, by ordinance, to provide for granting licenses to persons to act as auctioneers, for selling by auction or public outcry, within the limits of said city, goods, wares, merchandise, bank, railroad, insurance, and other corporation stocks, houses, lots, lands, negroes, and manufactured articles and produce of all kinds; and to provide for and collect a tax of not exceeding two dollars on each hundred dollars worth, as enumerated above, sold by auction or public outcry within said city, such tax to be collected from the auctioneer by whom or under whose license the same may have been sold; and no person shall receive a license to act as auctioneer until he shall have entered into bond, with such security as may be required by the general council, faithfully to perform such duties as the said council may, by ordinance, require to be performed by auctioneers, make true returns of all property sold by him, or under his license, at auction or public outcry within the said city, and the amount for which the same was sold, according to such forms, and at such times, and under such form of attestation as may be prescribed by ordinance, and that he will pay into the city treasury the amount of tax fixed by ordinance, and pay over to the parties entitled thereto the proceeds of all sales made by him.

Auctioneers to enter into bond.

Penalty for selling at auction without license.

§ 26. Any auctioneer who shall sell, by auction or public outcry, within the city of Louisville, any description of property enumerated in the next preceding section, without first having obtained a license and entered into bond, as prescribed in said section, or who, having done so, shall thereafter fail to comply with all the conditions of the said bond, and with all the ordinances relating to auctioneers, shall forfeit and pay the sum of not less than ten or more than five hundred dollars, to be recovered by suit in the name of the city of Louisville, in the city court of Louisville.

How such fines to be applied.

§ 27. All taxes, fines, and forfeitures, paid or collected under the provisions of the two sections next preceding, shall be paid into the city treasury for the use of the Louisville marine hospital.

§ 28. Should any collector of taxes for the city buy, trade, or barter for, directly or indirectly, any claim or claims on the city treasury, or against said city, for any sum less than the nominal amount thereof, all such acts shall be malfeasance, for which he may be removed from office; but said collectors may, if not prohibited by ordinance, or wherein it is not otherwise provided for in this charter, receive such claim or claims in payment for taxes, and pay the same into the treasury as money.

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Collector not to purchase any claim on city or less than its amount.

§ 29. The general council shall provide for the assessor of taxes a map of the city, laying down the wards, streets, and alleys, opened and not opened, upon which said assessor shall note every lot or portion of ground within the limits of the city, together with its valuation for taxation carefully noted on the same; and the said assessor shall keep a book, wherein shall be noted all sales and transfers of real estate within the limits of said city. And said assessor of taxes, and such assistants as may be appointed, as hereinbefore provided for, shall make all assessments of taxes, and shall report the same, and a statement of the sales and transfers of real estate made within said city limits, in such manner and at such time as the general council may, by ordinance, prescribe. The map of the city and the book of records of sales and transfers of real estate, above referred to, shall be open to inspection of any citizen at all times.

Council to furnish assessor a map of the city.

ARTICLE SEVENTH.

§ 1. The general council shall have power, by ordinance, to receive and accept any street or alley, or extension of any street or alley, laid out by any person or persons within the city limits, and make and declare the same an established street or alley of the city of Louisville; and also to lay out, open, widen, or extend any street, alley, market place, or wharf or public landing within the city limits, and to appropriate or procure the condemnation of real and personal estate for these purposes: *Provided*, that in no case shall private property be taken for any such purpose, without the written consent of the owner or owners thereof, or unless the compensation therefor shall be first fixed by agreement, or by a jury impaneled for that purpose, by the order of the city court of Louisville; and the compensation, so fixed, shall be paid to the owner or owners thereof out of the treasury of said city.

Council may accept a street or alley laid out by individuals, and establish the same.

May lay out wharf.

§ 2. That the general council shall have the power to pass ordinances to procure the improvement, either by grading and paving, or by grading, paving, and McAdamizing, or by grading and planking, any portion of or the whole of any street or alley now established, or which may hereafter be established within the city limits, at the cost of the owner or owners of the ground fronting such improve-

May improve streets & alleys at cost of owner of property.

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ment, to be apportioned according to the number of feet front each may own in front of said improvement; and a lien is hereby created on the said ground for the cost of said improvement. *It is provided, however,* that when any such improvement has not been petitioned for by the owners of a majority of feet of ground in front of said improvement, it shall require the concurrence of two-thirds of the members elected, in office, of each board of the general council, to pass the ordinance to procure said improvement, and the final vote thereon shall be taken by yeas and nays, and recorded in the journal of proceedings of each board of said council.

May procure
grading and pa-
ving sidewalks
of such streets.

§ 3. The said council may pass ordinances to procure the grading and paving of side-walks on any of the squares within the city limits, when the street has been graded and paved, or graded and otherwise improved, for more than one year, or to re-curb and re-pave such side-walks, as, in the opinion of said council, require it, at the cost of the owner or owners of lots or parts of lots fronting on such side-walks, and to be apportioned according to the amount of work actually done in front of such lots or parts of lots; and, for such cost, a lien is hereby created against such lots or parts of lots: *Provided, however,* that no such ordinance shall be enforced until an advertisement has been published for at least ten days, in one or more of the daily newspapers printed in Louisville, describing the square or squares, or part of square or squares, in which the side-walks are situated, which it is proposed to grade and pave, or re-curb and re-pave, and giving the name or names of the owner or owners of ground, when known, fronting the proposed grading and paving, or recurb and re-paving, and notifying the owner or owners that if the work is not done by them, or at their cost, within thirty days from the date of the first publication of the advertisement, the ordinance will be enforced.

May cause wells
& cisterns to be
dug.

§ 4. The said council may pass ordinances to procure the digging and walling of wells, or to procure the construction of cisterns for supplying water for the extinguishment of fires, on any of the established streets within the city limits, at the cost of the owners of property within such distance of any such well or cistern as may be specified in the ordinance, and cause the cost thereof to be apportioned amongst the owners of such property according to the number of feet each may own; and a lien is hereby created against such property for the amounts so apportioned.

Lien given in
three last sec-
tions, how to be
enforced.

§ 5. The liens given for the purposes named in the foregoing sections 2, 3, and 4, may be enforced by filing a bill in chancery, with a copy of the ordinance directing the work to be done, and of the contract for doing the same, and of the report of the completion of the work, and of the apportionment of the cost of the same made as required, which

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shall be *prima facie* evidence in favor of the contractor, or any claimant under him; and to this bill all persons who, by the apportionment, are to pay any part of the cost, shall be parties, unless they have paid their part of the cost, agreeable to the apportionment, which fact shall be alleged in the bill; and it shall be lawful for the court hearing the case to correct errors, if any there be, in the apportionment, and to decree a sale of so much of the lots of each person as will pay his part of the cost, according to the apportionment, and his costs of suit, and the court confirming any sale made under such decree shall direct that the property be redeemable at any time within three years, by the owner, on paying the principal sum and interest at the rate of ten per cent. per annum, and all taxes and levies made subsequent to the sale thereof, and, if not redeemed within the time specified, that the sale shall be final; and after the time for redeeming shall have expired, the court shall cause a conveyance to be made to the purchaser by a commissioner. *It is provided*, that infants shall have the right of redemption on the terms specified above for three years after arriving at full age: *And, it is further provided*, that for any apportionment of the cost of any of the improvements or grading and paving side-walks, or re-grading or re-curbings side-walks, or digging any well or wells, or constructing any cistern, as provided for hereinbefore, the contractor, or any claimant under him, may recover the same at law against the person or persons charged therewith, as in other cases of contract.

Property, or so much as is necessary, to be sold.

How it may be redeemed.

§ 6. When any street or alley has been graded and paved, or graded and otherwise improved, as hereinbefore provided in section 2, at the cost of the owners of ground fronting thereon, and the same has been accepted by the general council, the part of such street or alley, so improved, shall thereafter be kept in repair and cleaned at the expense of the said city.

Such improved street to be kept in repair by city.

§ 7. No person or persons shall lay out or extend any street or alley within the limits of said city, without the consent of a majority of each board of the general council; and when any person or persons have laid out, or shall hereafter lay out any street or alley within the limits of said city, and shall have sold, or intend to sell, lots binding thereon, the said council shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction, and authority over the same that they have, by this charter, over other established streets and alleys, and may cause them to be improved, as herein provided; but no street shall be laid out or accepted within the city limits which is less than sixty feet wide.

No person to lay out a street or alley without consent of the council.

§ 8. The general council shall have power to regulate all public wharves within the limits of said city, and all rafts, flatboats, steamboats, and other vessels coming to or land-

Council shall regulate public wharves.

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ing within the limits of said city, and the fees or charges for wharfage at said wharves, and the collection thereof, and, for these purposes, to pass all needful ordinances, with adequate fines and penalties not exceeding fifty dollars. And the said council shall also have power to provide for keeping the river clear of snags and other obstructions, and for deepening and widening the harbor opposite the wharves and property belonging to said city.

Shall place
pumps in public
wells.

§ 9. The general council shall have power to provide, by ordinance, for placing pumps in all public wells within the limits of said city, and for making contracts with one or more persons for keeping the public wells and pumps within said city in repair, for any term of time not exceeding five years.

May erect
bridges over
Beargrass creek

§ 10. The general council may pass ordinances to procure the erection of bridges over Beargrass creek, at the intersection with said creek, within the city limits, of any street now or hereafter established, and pay the cost of the same out of the city treasury. And the said council may also pass ordinances to procure the improvement, by grading and paving, or by grading and paving and McAdamizing, or by grading and planking, any street or streets now or hereafter established within the limits of the city, and pay the cost of the same out of the city treasury: *Provided*, that such improvement is deemed by said council of general interest and importance to the city at large, and that the condition of property binding on the street proposed to be improved, under this clause, will not justify the making such improvement at the expense of the owners of said property.

May establish
ferries within
limits of city.

§ 11. The general council shall have power, by ordinance, to establish ferries within the limits of the city, and may fix the maximum rates of ferriage to be charged and collected by any and all ferries running within the said limits, and may prescribe all adequate fines and penalties to enforce the same, and may levy and collect such *ad valorem* tax, or may rate and license and tax them, as the said council may deem reasonable and proper.

May establish
& regulate wa-
terworks.

§ 12. The general council shall have power to establish, build, and regulate water works for the city of Louisville, but no ordinance passed for such purpose shall take effect until the same shall have been approved by a majority of the votes of the qualified voters of the said city, voting thereon at a general election for officers of said city. And all acts and parts of acts heretofore passed upon the subject of water works for the city of Louisville, are hereby repealed.

Shall finish
the court house.

§ 13. The general council shall finish the court house with all convenient dispatch; and all laws now in force respecting the joint rights and duties of the city of Louisville and the county of Jefferson, as to the court house and other

public property in said city, shall remain in force until their ends are answered, they expire, or are repealed.

§ 14. The general council may pass ordinances to procure the erection of market houses in any street in the city in which they may deem market houses necessary; and they may purchase a square or squares of ground, and procure the erection of market houses thereon, and set apart market spaces therein. They may procure the erection of a market house in the space on market street, between fourth and fifth streets, and prepare the same for the sale of fresh fish, and therein to accommodate country people attending market, and prepare the same for the sale of all marketable articles except butcher's meat.

§ 15. The general council shall have power, by ordinance, to establish markets in said city, and regulate them, and all persons attending the same; and to fix the rents and charges for stalls and spaces in the market houses, and prescribe the mode of collecting the same; and to fix the hours in which markets shall be held, and prescribe the places where, and the vehicles from which marketing shall not be sold during market hours; and such ordinances may be enforced by suitable fines and penalties not exceeding fifty dollars.

§ 16. The general council shall pass ordinances defining, and providing for the punishment of, the offenses of forestalling, regrating, and engrossing, within the city limits, and providing for the enforcement of such ordinances by fines and penalties not exceeding fifty dollars.

§ 17. The general council shall have power to pass ordinances prohibiting the erection of buildings of wood in any part of the city, whereby valuable and permanent improvements may be subjected to damage by fire, and to regulate the size and height of such buildings; and, also, to prohibit the erection of manufacturing establishments deemed likely to create the danger of fire, or producing unpleasant effluvia, and to regulate the construction and management of such establishments within the thickly populated portions of the city; and such ordinances may prescribe suitable fines and penalties for the violation thereof, not exceeding one hundred dollars.

§ 18. The general council shall have power to pass ordinances to compel the abatement and removal of nuisances existing within said city, by the owners of property on which such nuisance exists, or to provide, by ordinance, for the removal and abatement of any and all such nuisances at the cost of the owner or owners of property on which the same may exist; and a lien is hereby created, for such cost of abatement and removal, on the property on which it existed, and the amount of such cost may be enforced as liens for grading and paving under this charter.

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May erect market houses.

May establish & regulate markets.

May punish forestalling, &c.

May prohibit the erection of wooden houses.

May compel the abatement & removal of nuisances.

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Construction
of laws, vesting
property in may-
or and council.

§ 19. That all laws vesting real and personal estate in the mayor and council, or in the general council of the city of Louisville, shall be construed and held to vest the same in the city of Louisville, and that the mayor and council, or general council, are only agents by whom the city acts. And in any act or deed made or executed by the mayor and council, or by the general council, setting apart or donating any property, money, or other thing, to any trustees, of corporation or otherwise, for any use or purpose whatever, shall be held as creating such trustees or corporation only the agents of the city to carry out the purposes of the trust; and no law or legislative act, passed or to pass, in any wise changing the intent or purpose of such setting apart or donating, or limiting the right of said city to control said trustees in the performance of the trust, change their term of office, and mode of election or appointment, or to substitute new trustees, and change their qualifications, and to do any thing necessary and proper to secure the purposes of such trust, shall be valid; and any such law or legislative act is hereby repealed.

ARTICLE EIGHTH.

May maintain
& control pest
house, &c.

§ 1. The general council shall have power to provide, by ordinance, for the control, management, and maintenance of the pest house, or hospital for patients suffering under contagious diseases, or to procure lands and erect thereon a suitable pest house, or hospital for patients suffering under contagious diseases, and to control, manage, and regulate the same, either within the limits of said city or elsewhere in Jefferson county. And the said council shall also have power to acquire and hold lands, and erect buildings thereon, suitable for a poor or alms house, and to afford lands for exercise or employment of the inmates thereof, within the limits of said city or elsewhere in Jefferson county; and to provide, by ordinance, for the control, management, and maintenance thereof, and enforce the observance of the same by suitable fines and penalties, not exceeding fifty dollars.

Marine hospi-
tal to be under
control of city.

§ 2. The hospital erected in the city of Louisville by this commonwealth, and the lands belonging thereto, shall continue to be denominated "the Louisville marine hospital," and shall hereafter be under the control and management of the city of Louisville, in trust for the commonwealth of Kentucky. And the general council of said city shall have the power annually to elect, by joint ballot, three trustees for said hospital, and all officers therefor, which may be provided for by ordinance, for the superintendence and management thereof; and, also, to provide, by ordinance, for the appointment of nurses and attendants for said hospital. And the said council shall, by ordi-

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nance, define the duties of said trustees, and all officers, nurses, and attendants of said hospital; fix the salaries of such officers, nurses, and attendants, fill vacancies in the board of trustees, and provide for the removal of officers, nurses, and attendants, for malfeasance or neglect in office, and fill vacancies in the same.

§ 3. The general council shall have power, by ordinance, to make rules and regulations for the government and management of said hospital, and to make provision for supplying all necessary articles for carrying out the purposes of said hospital.

May enact
rules, &c., for
management of
said hospital.

§ 4. The general council shall have power, by ordinance, to grant, either for a compensation in money, to be appropriated to the use of said hospital, or in return for medical and surgical attendance in said hospital, the privileges of using said hospital, or any building attached thereto, for the purposes of clinical instruction, to any one or more schools or colleges for medical teaching, chartered by this commonwealth; or the said council may provide, by ordinance, for the appointment of suitable persons to deliver clinical lectures in a building adjoining said hospital, upon such terms as may be set forth in said ordinance, and providing that any surplus of fees received for attendance upon such lectures, after defraying the expenses thereof, shall be paid into the city treasury for the use of said hospital: *But it is provided*, that the said council shall not have the power to allow any patient in the public wards of said hospital to be made the subject of clinical instruction, as herein provided, without the consent of the patient.

May grant use
of said hospital
for clinical in-
struction.

§ 5. The general council shall confer the medical care of the pest house, poor or alms house, and the work house upon the elected physicians for the eastern and western districts; and they shall have power to provide and dispense medicines to the poor in each district, and medical treatment to the indigent residents of the city, through the said physicians, free of charge; and the general council may furnish to each of said physicians a supply of vaccine matter, and require them to vaccinate all residents of Louisville who may desire it, free of charge; and the said council may pass all ordinances necessary for carrying out the provisions of this section.

May elect phy-
sicians to at-
tend pest house.

§ 6. The general council shall have power to establish a board of health, either as a permanent institution, the members to be elected annually by said council, or to be discontinued and re-established, as the said council may determine. The mayor, physicians of the eastern and western districts, and the street inspectors of said districts are hereby constituted health officers of the city, and, at the discretion of the council, may compose the whole or part of the board of health. And the general council

May establish
board of health.

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may, by ordinance, prescribe the duties of the board of health, and provide rules and regulations for their management, provide a place of meeting for said board, provide for the election of a clerk for the board of health, and define his duties, and fix his salary, and provide for the payment of all authorized expenses of said board. And the general council may pass ordinances for the purposes of promoting and preserving the health of the citizens, and preventing the spread of infectious or contagious diseases throughout the city, to enforce the draining and filling up of ponds, and the removal of filth or other things or substances deemed likely, by the board of health, to produce or increase disease within the city; and, in such ordinances, may prescribe adequate fines and penalties for any violation thereof.

May lay out
cemeteries.

§ 7. The general council shall have power to purchase lands for, and locate cemeteries, either within the city limits or elsewhere in Jefferson county. They may change the location of cemeteries now established, but shall not violate the purposes for which they were dedicated, or cause the disinterment of the dead therein; but such change of location shall not be made until the ground therefor has been designated, nor until a majority of the qualified voters of the city shall approve the same. And all cemeteries either within the city limits or within three miles of the same, being public property, shall be under the jurisdiction of the city, and subject to the visitation and inspection of the board of health; and the general council shall have the power to require weekly reports of all interments in each of such cemeteries, in such form as they may prescribe; and the said council may enforce the proper regulation and management of such cemeteries, by adequate fines and penalties.

May erect and
control work
house.

§ 8. The general council shall have power, upon lands now provided, or upon lands hereafter provided, within or without the city limits, to erect a suitable building or buildings for a city work house; or the said council may maintain the present city work house. And in the city work house shall be confined all persons committed on final process of the city court of Louisville, all beggars, vagrants, bawds, and bawdy house keepers, all persons committed in default of bail upon orders of said city court, or of any magistrate therein, requiring surety for the peace or for good behaviour, or as suspected felons, or for other causes; and those put therein for short terms of imprisonment, for offenses committed in said city, by said court, or on *capias profine*, shall have liberty to elect to work out the sum they are charged to pay, at seventy-five cents per day, at such labor therein as they may be directed to do; but all able bodied persons put into said work house, for any of the causes aforesaid, by said court, shall be compelled to labor

at such labor as may be prescribed by ordinance of the general council, until discharged, unless he or she shall pay into the hands of such officer as shall be provided the sum of twenty cents per day for each day he shall stay therein, to re-imburse the expense of keeping and feeding him or her; and the general council shall make all needful ordinances for the police, and government and management of such work house.

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ARTICLE NINTH.

§ 1. The general council shall have power to provide, by ordinance, for the establishment and organization of a fire department, and fire companies, and for procuring suitable buildings, engines, and other apparatus necessary for the purpose of extinguishing fires, and protecting the property of citizens of Louisville from conflagration; and they may pass ordinances for the government of such department and companies, and for the management and protection of the buildings, engines, and other property of the said department and companies.

Council shall provide for a fire department.

§ 2. The said council may appropriate, for the support of said department or companies, any sum they may deem necessary, which amount shall be stated in the annual ordinance fixing and directing the per centum to be collected for other city purposes; and the amount, thus specified, shall not be exceeded by appropriations for that purpose during the year, nor until the succeeding annual appropriation be made in like manner. The said council may establish a permanent fund, not exceeding the sum of ten thousand dollars, for the relief of persons disabled whilst performing their duty as firemen, and for the benefit of their widows and orphans.

May appropriate money for its support.

§ 3. Each fire company belonging to the fire department shall employ one competent and trusty person, who shall be warden, who shall be constantly present at the engine house of said company, and who shall prevent intrusion into said house, keep it and the engine and apparatus, and the property of the company therein, safe and in good order, and prevent any person from injuring the same in any way; and said warden shall perform such other duties as may be prescribed by ordinance, and shall receive such compensation as the said council may deem reasonable.

Each company shall employ a warden.

§ 4. No person shall be eligible as a member of any fire company, who shall not have attained the age of eighteen years; and no person between the ages of eighteen and twenty-one years shall be eligible, without the written consent of his parent, or guardian, or employer.

Persons under 18 years of age not to be members of any fire company.

ARTICLE TENTH.

§ 1. At the first election for city officers, under this charter, there shall be elected, by the qualified voters in each ward of said city, two persons, qualified as hereinbefore

Two trustees of university & public schools to be elected in each ward.

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provided, as trustees of the university and public schools of Louisville, and the persons so elected shall constitute and be styled the "board of trustees of the university and public schools of Louisville;" and the board of trustees first elected shall, within three months after their election, cause the trustees from each ward to be divided, by lot, into two classes; and the members of the first classes shall vacate their offices at the end of one year from the day of their general election, and those of the second classes at the end of two years from the day of their general election; and annually, thereafter, there shall be elected, by the qualified voters in each ward, one qualified person as trustee of the university and public schools of Louisville, who shall hold office for two years, and no longer.

Trustees to have control of university & public schools, & their funds.

§ 2. The control and management of the university of Louisville, and of the high school for females, and of the public schools of Louisville, and of the property and funds belonging thereto, and which may accrue in any way to them, and for their establishment, management and maintenance, under the provisions of this charter, or otherwise, shall be vested in the said board of trustees, subject to the provisions of this charter, and the ordinances passed by the general council in relation thereto.

To take oath of office.

§ 3. The said board of trustees shall, before entering upon the duties of their offices, make oath or affirmation before some judicial officer of this commonwealth, faithfully to discharge the duties enjoined upon them by this charter and the ordinances of the general council of said city.

May enact by-laws, &c.

§ 4. The said board of trustees shall have power to make by-laws, not in conflict with this charter or the city ordinances, for carrying out the duties of their office, and to determine their own rules of proceeding; but a majority of the whole board shall be necessary to form a quorum for the transaction of business; and they shall meet at least once a month, and oftener if necessary, for the transaction of business; and no appropriation of money shall be made by said board without the concurrence of a majority of the members elect in office. And said board shall keep a correct record of all their proceedings, in a book provided for the purpose, which shall be at all times open to the inspection of citizens, of the mayor, and of any member of the general council.

Trustees to elect professors & teachers, fix their salaries, & generally to regulate said institutions.

§ 5. The said board of trustees shall elect a president and the professors of the university of Louisville, the teachers of the high school for females, and of the public schools of Louisville; regulate and fix the salaries of such president, professors, and teachers, and dismiss or suspend any teacher for misconduct or neglect of duty; prescribe the branches of education to be taught in the academical department of said university, in the high school for females, and in the public schools of Louisville; prescribe

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the necessary qualifications for, and the mode of examination of pupils applying for admission to the said academical department and high school for females, and the number of pupils annually to be admitted to each; and they shall also fix the bounds of districts for each public school within which the children shall be entitled to admission to said school; and shall provide class books for children attending the public schools, whose parents are unable to purchase them: *It is provided, however,* that all free white children over six years of age, within each district, shall have equal rights of admission to the schools of that district, and that no catechism or other form of religious belief shall be taught or inculcated in, nor shall any class book be used or adopted for said schools, which reflects upon any religious denomination, nor shall any of said schools be so conducted as to interfere with the religious belief of parents of pupils: *And, it is also provided,* that for the first two years after the opening, for the reception of pupils, of said academical department of said university, and of said high school for females, all children of prescribed age and qualification shall have equal rights of admission to, and the enjoyment of such education as said academical department or said high school can confer; but after said two years, no pupil shall be admitted to said academical department, or said high school, who has not attended at least one scholastic year in one or more of the public schools of Louisville, except that all orphan children, raised and educated at either of the orphan asylums in said city, or in any other charitable institution now or hereafter established in said city, of the prescribed age and proficiency in learning, shall be entitled to the rights of admission to said academical department, or said high school, and to the benefits of such education as may be conferred there: *And, it is further provided,* that no fees for tuition shall ever be charged in said academical department of said university, in said high school for females, or in said public schools of Louisville.

§ 6. The said board of trustees shall elect a principal secretary, who shall be school agent, and attend all meetings of said board of trustees, keep their records, and perform such other duties as may be required of him by said board of trustees, or prescribed by ordinance, and who shall receive for his services an annual salary of not less than five hundred dollars, to be fixed by ordinance, payable quarterly.

Shall elect a
secretary—his
powers & duties

§ 7. The said board of trustees shall, at the end of each scholastic year, and at other times, if required by the general council, make out and report to said council a written or printed statement, in such form as may be prescribed by the said council, showing the number of students in each de-

To make an-
nual report of
the situation of
said institution.

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Council shall
create a fund for
the support of
the university &
public schools.

partment of the university of Louisville, in the high school for females, and in each of the public schools of Louisville, and the condition and amount of property and funds belonging thereto, and such other information as the general council may, from time to time, require.

§ 8. It shall be the duty of the general council, first elected under this charter, to establish or create, by ordinance, a sufficient fund, and appropriate the same for the erection, establishment, and maintenance of said university of Louisville, and public schools of Louisville, under the control and management of the board of trustees hereinbefore provided for; and the said trustees shall, in the building provided therefor, on the university square in said city, establish and maintain the academical department of said university of Louisville, and cause to be erected, in each ward of said city, a school house or school houses, of uniform, suitable and convenient construction, for the instruction of all qualified children applying for admission thereto, and with separate apartments for teaching male and female children. And, in the year eighteen hundred and fifty-two, the general council shall cause to be erected a suitable building or buildings, centrally located, and establish and maintain therein a high school for females, wherein the female children of the prescribed age and qualifications, as hereinbefore provided, shall be admitted and receive instruction in such branches of education as the said board of trustees may be prescribe to be taught therein.

Council may
levy and collect
a school tax, for
the support of
the university &
public schools.

§ 9. For the purpose of raising money for the maintenance of the university of Louisville, the high school for females, and the public schools of Louisville, as above provided for, the general council of said city shall, in the year eighteen hundred and fifty-one, and annually thereafter, cause to be levied and collected a tax of not less than twelve and a half cents nor more than twenty-five cents on each one hundred dollars worth of the property assessed for taxation within the city limits, as provided for in article fourth, sections one and two, of this charter; and for the same purposes, and no other, shall be appropriated the sum or sums which may be received, from year to year, as the portion of the said city, of the school fund of this commonwealth, and all fines and forfeitures collected in the city court of Louisville, for the use of the said university and public schools of Louisville, as hereinbefore provided; and so much as may arise from real, personal, or mixed property in the city of Louisville, which, from alienage, defect of heirs, or failure of kindred capable in law to take the same, shall escheat to the commonwealth of Kentucky, and which is hereby declared vested in the said board of trustees, for the use and benefit of the university and public schools of Louisville; and the said city, by the mayor thereof, or such officer as the general council may appoint for that purpose,

shall enter upon and take possession of any and all such property, or, in its corporate name, sue for and recover the same, or any chose of action, right, or credit of such descent, and reduce the entire estate into possession, as aforesaid, without office found. And the said council shall furnish to said board of trustees an adequate amount of money, credit, or property, to enable the said board of trustees to build or procure such school house or school houses in each ward, as hereinbefore provided for; and this amount of money, credit, or property shall be in addition to the amount hereinbefore provided for, for the use and benefit of said university, and high school for females, and said public schools.

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§ 10. Should the provisions hereinbefore made for raising means for the establishment and maintenance of said university, and said high school for females, and said public schools of Louisville, and for the erection of school houses, as hereinbefore provided for, it shall be the duty of the general council, first elected under this charter, to pledge the credit of the said city for any sum or sums of money not exceeding seventy-five thousand dollars, to carry into effect the educational system herein provided for; and the amount of money raised under this section shall be re-paid out of the surplus that, from time to time, may exist of moneys raised by taxation, or otherwise, accruing to the use and support of said university and public schools of Louisville.

May borrow money to build school houses, if necessary.

§ 11. It shall be the duty of the board of trustees, upon the completion of the assessment of property for taxation, annually, to ascertain the sum likely to accrue from taxation, for the use of said university and public schools, for the current fiscal year, and also to ascertain and estimate, as correctly as may be, the whole amount of means applicable to educational purposes for the current fiscal year; and said board of trustees shall not expend or contract for the payment of a larger sum than the estimated [amount] to be received for the year: *Provided, however*, that this section shall not be construed as to prevent said board of trustees from receiving and expending any sums that may come to them by gift or devise, or by any law of this commonwealth, or ordinances of the city passed hereafter.

Further duties of the trustees of the university & public schools

§ 12. The said board of trustees shall have power to examine, or cause to be examined by competent persons, all applicants for the office of teacher in the high school for females, and in the public schools of Louisville.

May cause applicants for the office of teachers to be examined.

§ 13. No portion of the property or funds, held or raised for the university and public schools of Louisville, shall ever be applied to the support of any school or schools which is or are not entirely under the control and management, in every particular, as the public schools of Louisville are, of

Funds raised for university & public schools, how to be applied.

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Trustees to hold possession of all the property and funds set apart for university & public schools.

of the said board of trustees of the university and public schools of Louisville.

§ 14. The said board of trustees, and their successors in office, as provided for herein, shall take and hold the possession of all property and funds set apart for the use of said university and high school for females, and the public schools of Louisville, for educational purposes in said city; but the university square, and all the property of the university of Louisville, shall be held to the uses and purposes set forth in the deed of donation made by the mayor and council of said city to president and trustees of the medical institute of Louisville; and in accordance with the resolutions adopted by the people of said city, in mass meeting at the radical methodist church, on the 20th day of October 1837.

ARTICLE ELEVENTH.

When elections under this charter to be held.

§ 1. The general election for members of the general council, and all city officers for the city, or districts, or wards, to be elected, under this charter, by the qualified voters thereof, shall be held on the first Saturday in April, in the year eighteen hundred and fifty-one, and annually thereafter, commencing at seven o'clock, A. M., and closing at six o'clock, P. M., at such place or places in each ward, and under such rules and regulations as the general council may prescribe, from time to time. And special elections to fill vacancies, or for other purposes, as provided for in this charter, shall be held on such day, and in such place or places as may be prescribed by the said council, to be conducted as the general elections, herein provided for, are to be conducted.

Number of voting places in each ward.

§ 2. The said council may provide for two or more voting places in each ward, where it may be deemed necessary, and prescribe the limits for each such voting places, within which persons shall be resident, entitled to vote at such place; but no election polls shall be held in any coffee-house, or other establishment within which spirituous, vinous, or fermented liquors of any kind are kept or sold.

To appoint officers of elections.

§ 3. The said council shall appoint all officers required to conduct city elections, and, if practicable, select the officers for each voting place in equal number from the two principal political parties. And officers of city elections shall be entitled to the like pay as officers of state elections are allowed.

Elections to be by secret ballot.

§ 4. All elections held under this charter, whether by the qualified voters of said city or by the general council, shall be conducted by secret ballot; and the general council shall provide suitable ballot boxes for the several voting places, at elections by the qualified voters, properly marked or numbered; and the judges of the election shall deposit the ballots presented in the ballot boxes, without exposing to themselves or others the name or names on any ballot,

Manner of conducting elections.

1851.

having first ascertained that the person presenting the same is entitled to vote, and recording his name on the poll book. When the election is closed, the judges in each ward shall immediately open the ballot boxes, and proceed carefully to count the votes cast for each candidate, and report the same, in such form and manner as shall be prescribed by ordinance, to the general council at its next session; and said council shall publish the same, and declare the candidates having a plurality of the votes for each office, respectively, duly elected thereto.

§ 5. Every free white male citizen over twenty-one years of age, resident in said city at the time of the election, and who has resided in the said city one year, or in this state two years next preceding the election, and who is a *bona fide* resident of the ward in which he offers to vote, shall be qualified to vote for members of the general council and city officers, elective by the qualified voters of said city, under this charter; but such voter shall have been, for sixty days next preceding the election, a resident of the ward in which he offers to vote, and shall cast his vote in said ward, and not elsewhere.

Qualifications
of voters.

§ 6. The marshal of the city court of Louisville shall be marshal of the city of Louisville, and, as marshal of the city, he shall give bond in such sum and with such sureties and conditions as the general council may prescribe by ordinance, and perform such services, and receive such compensation as may be prescribed by ordinance. He may be removed or suspended from the office of marshal of the city, as other officers under this charter.

Marshal of city,
his duties, &c.

§ 7. The watchmen shall watch in the respective wards in which they may be chosen, unless required by the marshal of the city to discharge police duty elsewhere, in case of emergency; and watchmen shall be *ex officio* watchmen of the whole city.

Duties of the
watchmen.

§ 8. The day watchmen of the said city shall have the power, within their respective wards, to execute all original, mesne and final process issuing out of the city court of Louisville, that the marshal of said court has under the laws of this commonwealth and this charter; and they shall be the deputies of the marshal of the city, in their respective wards. They shall each give bond, as required of the marshal of the city, in the penalty of five hundred dollars, with good security, conditioned and approved as the bonds of the marshal; and they shall receive the like fees as those allowed to the marshal for like services; and when any police officer shall arrest a felon, the fees allowed by law for that service shall be paid to him. All fees allowed to watchmen, as deputy marshals, shall be in addition to their regular per diem as watchmen.

Day watchmen,
their duties, &c.

§ 9. The pay of watchmen shall not be less than one dollar and fifty cents for each night and day of actual service.

Pay of watch-
men.

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Supernumerary
watchmen, how
appointed.

§ 10. The marshal of the city may nominate to the mayor, and the mayor may issue his acting orders to such supernumerary watchman, in each ward, as may be needed, in the recess of the general council; which orders shall expire at the next session of said council; and such supernumerary watchman shall be called into service to supply the place of any absent regular watchman of the ward in which he may be appointed, and receive the pay of the regular watchman whose place is filled.

Illegal voting
how punished.

§ 11. Any laws in force in this commonwealth punishing illegal voting at the state elections, shall apply to illegal voting in this city for members of the general council, or for city officers, subject, however, to all the provisions of this charter touching the qualifications of the voter.

ARTICLE TWELFTH.

Council may
appoint tobacco
inspectors.

§ 1. The general council shall have power, upon the application of any person or persons who now has, or may hereafter provide a building suited for a tobacco warehouse, with the fixtures necessary for the transaction of the proper business of such an establishment, to establish the same by ordinance. And the said council shall elect two persons as inspectors of tobacco for each tobacco warehouse established in the city, giving a preference to persons recommended by the owner or owners of such warehouse, if they are deemed by said council fully competent; said inspectors shall take such oath or affirmation, and enter into bond, and receive and charge such fees as may be allowed by law; and their term of service shall not be more than two years, and shall expire in the month of November.

Shall regulate
the inspection,
&c., of any article
sold in the
city.

§ 2. The said council shall have power to provide, by ordinance, for the inspection, weighing, measuring, and gauging of any article vended within the limits of said city, elect suitable persons for the purpose, prescribe their duties, and fix their fees, and bonds and standards: *Provided*, that no ordinance shall be enforced providing for the inspection, weighing, measuring, or gauging of any such articles, except upon the voluntary principle, and when such service is desired by the buyer or seller; and the fees shall be paid by the person desiring the service. And the said council shall have power to provide for placing numbers or other marks upon all licensed vehicles running within said city, and also to cause carts, wagons, or other vehicles, engaged within said city in hauling or vending wood, coal, or lime, to be measured and branded, showing the quantities of such articles they contain, when full, half full, and quarter full; and, by ordinance, prescribe the fees to be charged for such numbering, or marking, or branding, and suitable fines and penalties for failure or refusal of owners to present their vehicles to be numbered or marked,

measured and branded, and for violations of the ordinances regulating the business of all such vehicles.

§ 3. The said council may establish and regulate, by ordinance in said city, a board or institute of pharmacy, composed of competent persons, to be elected or appointed as the said council may prescribe; and may, by ordinance, provide that all apothecaries, before they shall be licensed, to retail drugs and medicines in said city, shall be examined by, and receive a certificate of competency from said board or institute of pharmacy; and said council may, by ordinance, regulate the trade of retail apothecaries, in the business of making up prescriptions, and vending poisonous substances or preparations, and prescribe adequate fines and penalties for the enforcement of all such ordinances.

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May establish
an institute of
pharmacy.

§ 4. The said council shall have power, by ordinance, to procure the erection and establishment of one or more powder magazines, within or out of the city limits, remote from other buildings, and to make all needful provisions for maintaining and managing the same; and they shall also have power, by ordinance, to regulate the keeping and selling gunpowder, and other explosive substances within the city limits; may prohibit the keeping more than a specified quantity of gunpowder in any one establishment within the city, and regulate the mode of transporting gunpowder through the city; and may prescribe suitable fines and penalties for violations of such ordinances, besides forfeiture of the powder or other explosive material kept or sold in or transported through the city, contrary to the provisions thereof.

May erect powder
magazines.

§ 5. The general council shall have power to prohibit, by ordinance, prescribing suitable fines and penalties, the discharge of every species of fire-arms, or other instrument or thing containing gunpowder or other explosive substance whatever, within the city limits.

Provide penalties
for discharging
fire arms in
the city.

§ 6. The general council may annually set apart any sum, not exceeding one thousand dollars, as a secret service fund, to be at the disposal of the mayor for police purposes exclusively; and any surplus of such fund, remaining undisposed of, at the end of the fiscal year, shall be returned by the mayor to the treasury, and reported to said council.

May set apart
a secret service
fund for police
purposes.

ARTICLE THIRTYFIVE.

§ 1. The general council shall have the power to grant the freedom of said city, under the corporate seal thereof, to persons for distinguished services, or for benefactions to said city; and, when necessary, they may grant to the destitute poor of the city, supplies of money, wood, coal, or provisions, out of the fund raised by taxation for the support of the poor, as hereinbefore provided.

May grant freedom
of the city.

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Penalty on
officers for mak-
ing false en-
tries.

§ 2. If the auditor, or the treasurer, or any other officer of said city shall make, or knowingly permit others to make false entries in their books of accounts, or shall allow or disallow any items, with intent to cheat or defraud said city, or any person or persons, or corporation, or shall embezzle, or knowingly misapply or withhold any money or property of any kind belonging to said city, coming into his hands officially, such officer shall, upon conviction, be confined in the jail or penitentiary house of this commonwealth for not less than two years nor more than ten years.

Penalties for
sabbath break-
ing.

§ 3. No person, within the limits of said city, engaged in buying and selling, or manufacturing of any kind, except tavern keepers and apothecaries, shall buy, or sell, or manufacture on the christian sabbath day, save such persons, however, as do, in good faith, conscientiously observe some other day of the week as a sabbath, and refrain from buying, or selling, or manufacturing on such day; and the general council shall pass ordinances prescribing adequate fines and penalties to enforce and carry out this section.

Fees of falls
pilots.

§ 4. Falls pilots, for their services, shall be entitled to receive, for each flat boat under ninety feet long, three dollars, and over ninety feet long, five dollars; for each raft, five dollars; for each keel boat, five dollars; for each steam boat, or other vessel, under sixty tons, eight dollars; of sixty and under one hundred tons, ten dollars; of one hundred and under one hundred and forty tons, twelve dollars; of one hundred and forty and under two hundred tons, fifteen dollars; and over two hundred tons, twenty dollars. And any person piloting boats or rafts over the falls of Ohio, who is not elected and qualified as a falls pilot, under this charter, shall be fined, for so doing, a sum of not less than twenty dollars nor more than fifty dollars, to be recovered in the city court of Louisville: *But it is provided*, that nothing herein shall be construed so as to prevent masters or owners from taking their own boats or rafts over the said falls, without a falls pilot. All fines which may be collected under the provisions of this section shall be paid into the city treasury, for the use and benefit of the university and public schools of Louisville.

Councilmen, &c
to take oath.

§ 5. Members of the general council, and all officers of said city shall, before entering upon the duties of their offices, make oath or affirmation, before some magistrate qualified by law to administer the same, in such form as may be prescribed by ordinance, to perform the duties of office faithfully, and support and abide by the constitution and laws of the United States, and of the commonwealth of Kentucky, and the charter and ordinances of the city of Louisville.

Ordinances in
force, not in-
consistent with the
act, continued
in force.

§ 6. All ordinances of the city of Louisville now in force, not in conflict with this charter, shall continue in force un-

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til repealed by the general council; and all laws of this commonwealth vesting rights in, or imposing duties upon the city of Louisville, not herein superseded or repealed, shall remain in force until specially repealed by the general assembly of Kentucky.

§ 7. The recognized records of the trustees of Louisville, and of the city of Louisville, under the mayor and board of councilmen, and under the general council herein created, and all bonds executed to said city of Louisville, remaining in the proper office of said city, shall be and hereby declared to be public records, and copies thereof, certified by the proper keeper thereof, shall be evidence in all courts to the same extent that the originals would be, on due proof; and the keeper of such records may be entitled to fees for copies of the same, to be prescribed by ordinance.

Records of the city recognized.

§ 8. This charter shall go into and be in full effect and force on the first Saturday in April, in the year eighteen hundred and fifty-one, and, thereafter, shall be the charter of the city of Louisville; but the officers now in office, under the government of said city, shall continue to hold and discharge the duties of the same until the election and qualification of officers provided for in this charter.

When charter to take effect.

§ 9. The general council may, at any general election for members of the general council and city officers, submit to the qualified voters of said city an amendment or amendments to this charter; and, if a majority of such voters who may vote for and against the same shall vote for such amendment or amendments, the same shall, when enacted by the legislature of Kentucky, form part of this charter; but if the majority of votes cast be against the same, the said council shall not present the same to the legislature for enactment. The general council may call a convention of delegates from each ward, to be elected by the qualified voters thereof, at such time as may be prescribed, at the places where the general elections for city officers are held, and to be conducted as provided for such elections, which convention shall assemble and be organized as may be prescribed in the ordinance calling the same, and may amend this charter or make a new one; which amendments or new charter shall be first submitted to the qualified voters of the city, at the general election for city officers, or on a day specially designated by the convention; and, if approved by a majority of the said voters voting for or against the same, and enacted by the legislature of Kentucky, the same shall form part of, or supersede this charter.

How amendments may be adopted.

§ 10. That before the trustees, elected under this charter, shall acquire any right to hold and take possession of the university of Louisville, or its medical department, that

Question respecting university of Louisville

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to be decided by
Jefferson circuit
court.

right shall be first adjudicated and settled by the judge of the Jefferson circuit court, on a petition which shall be filed by the city of Louisville; and if said judge shall be of opinion that the provisions of this charter, so far as they relate to the said university, or its medical department, be constitutional, he shall decree accordingly, and direct the said university and medical department to be surrendered to the trustees elected under this act; but if said judge be of the opinion the said trustees cannot and do not acquire any right by reason of the title vested in the present trustees, by conveyance regulating the same, the said judge shall enter a decree, quieting and decreeing the title in them. Due notice shall be given of the filing of the petition to the present trustees, or those in office at the time; and the mayor and common council or trustees may appeal from, or sue out a writ of error to the court of appeals, from a decision of the said judge; and notice thereof may be served on the mayor of said city, or the president and any one trustee of said university, or the medical department thereof, as the case may be.

§ 11. The general assembly reserves the right to change, alter, or repeal this act at pleasure.

Approved March 24, 1851.

CHAPTER 834.

AN ACT for the benefit of the Maysville and Lexington Railroad Company, and the Louisville and Lexington Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful, and the president and directors of the Louisville and Frankfort railroad company are hereby empowered to indorse the bonds of the Maysville and Lexington railroad company, to the amount of one hundred and fifty thousand dollars; the proceeds of said bonds to be appropriated towards constructing the railroad from Lexington towards Carlisle, in Nicholas county: *Provided*, the said railroad company shall be under no obligation to indorse said bonds, unless the president and directors of the railroad company from Louisville to Frankfort should, in their discretion, determine it would be the interest of the Louisville and Frankfort railroad company so to do; and it shall be lawful for the Maysville and Lexington railroad company to negotiate and sell her bonds, towards the completion of the road from Maysville to Lexington, to the amount the president and directors may determine it would be to the interest of the road so to do: *Provided further*, that it shall be lawful for the Maysville and Lexington railroad company to make and execute any counter security to the Louisville and Frankfort railroad company, that may be agreed on between the said

companies: *Provided*, that the state of Kentucky shall not be regarded as being responsible for the payment of said bonds, in any event whatever.

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Approved March 24, 1851.

CHAPTER 695.

AN ACT to amend the Road law in Greenup County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, it shall be the duty of the county court for the county of Greenup, at the June or July terms thereof, in each year; to appoint a qualified and responsible road overseer in each road precinct in said county.

§ 2. The overseers, so appointed, shall keep the roads in said county in good repair, and shall make a full report of all their acts and doings to said county court, at the June term of said court, in each year; and whenever the road tax is exhausted, and more work is required on said roads, said overseers are hereby authorized to call out as many hands as may be required, who shall be credited for the work so done, for the succeeding year; said overseers are also required to perform half the necessary work on said roads, before the first of July; and they are also hereby empowered to collect or receive seventy-five cents per day of and from each delinquent who may neglect or refuse to work on said road, after legal notice.

§ 3. The overseers, so appointed, before entering upon their duties, shall take an oath before said court, or some justice of the peace of said county, faithfully to discharge all the duties imposed upon them by law.

Approved March 24, 1851.

CHAPTER 696.

AN ACT to amend an act, entitled, an act to amend and to reduce into one the several acts relating to the town of Georgetown, approved March 1, 1847.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of electing a police judge and marshal for the town of Georgetown, in accordance with the fourth article and section forty-first of the constitution, the trustees of said town shall, during the month of April, in the year 1851, appoint two of the citizens of said town as judges, whose duty it shall be, being first duly sworn by a justice of the peace for Scott county, or the chairman of the board of trustees, to discharge their duties faithfully and justly, to open a poll book at some house in said town to be designated by the chairman and board of trustees, and to receive the votes of the qualified

Police judge
and marshal
to be elected.

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voters of said town, as heretofore fixed for electing the trustees, for a fit person to fill the office of police judge of said town; and the person having the greatest number of votes shall be declared the police judge of Georgetown; and they shall, at the same time and place, vote for a fit person to fill the office of town marshal; and the person having the greatest number of votes shall be the marshal of said town: *Provided*, that when two or more persons shall be equal and highest in votes, their names shall be returned to the board of trustees, who shall determine the same by ballot. The first election shall be held on the second Monday in May, 1851; and the police judge then elected shall hold his office until the first Monday in August, 1854, at which time there shall again be an election, and every four years thereafter. The marshal then elected shall hold his office until the first Monday in August, 1852, and there shall be an election held on the first Monday in August, 1852, and every two years thereafter: *Provided*, that ten days' notice of the time and place of holding the elections shall be given, by advertisement in the newspaper printed in said town, or otherwise: *Provided, further*, that the clerk of the board of trustees shall act as clerk of said elections, and, in his absence, the judges may appoint a clerk for the occasion.

Powers of
Trustees.

§ 2. The chairman and board of trustees shall have power to pass laws to fine any person who shall violate the ordinances of said town, any sum not to exceed one hundred dollars, and to imprison not to exceed thirty days, to be assessed and fixed by a jury.

Jurisdiction &
powers of judge

§ 3. The police judge of Georgetown shall possess and exercise all judicial power conferred upon the town of Georgetown, and fixed by the ordinances and by-laws of said town: *Provided*, that when, for good cause, the police judge cannot act, then the chairman and board of trustees may designate one of the justices of the peace for Scott county, who may exercise the judicial powers given to the police judge, and receive the fees to which the police judge would have been entitled, until the cause is removed: *Provided*, that should the offices of police judge and marshal become vacant, by death, resignation, or otherwise, an election shall be held to fill the vacancy, in manner and form as prescribed in the first section of this act.

Approved March 24, 1851.

CHAPTER 699.

AN ACT to authorize the County Court of Christian to subscribe stock in the Henderson and Nashville Railroad Company.

The question
of the tax to be
submitted to
the vote.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the sheriff of Christian county, and the other officers holding the gene-

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ral election in said county, in the month of August next, to open columns in their several poll books for the purpose of submitting to the legal voters of said county the question, whether or not they will submit to an *ad valorem* tax of not exceeding one half of one per cent. per annum on the property of said county, and the additional list, under the equalization law, now subject to taxation by law, for the purpose of raising three hundred thousand dollars to assist in the construction of that portion of the said Henderson and Nashville railroad that may be constructed in the county of Christian.

§ 2. When any legal voter shall present himself at the polls at said election, and claim the right of suffrage, after he shall have cast his vote for the officers to be elected at such general election, it shall be the duty of the clerk of the election to put the question separately and distinctly to such voter, "do you vote for or against the railroad tax?" and if the voter shall vote upon said question, his vote shall be properly recorded by the clerk.

Duty of clerk
of election.

§ 3. Upon a comparison of the polls, as provided for by law it shall be the duty of the general officers comparing them to certify said comparison to the county court of said county at its next session; and if it shall appear to the court that a majority of all the legal voters in said county is in favor of the imposition of said tax, an order shall then be entered up by said court, directing the collector of the revenue tax in said county to collect an *ad valorem* tax from the citizens and property holders of said county, of one half of one per cent. per annum, for the term of ten years, commencing with and including the year 1852.

A tax to be
levied & collect-
ed on certain
conditions.

§ 4. If the imposition of the tax aforesaid is demanded by a majority of the voters of said county, it shall be the duty of the county court to subscribe stock in said railroad company to an amount equal to the amount of tax to be collected in said county, to be paid according to the laws of this commonwealth, and the by-laws and ordinances of said railroad company.

Duty of county
court.

§ 5. It shall be the duty of the collectors of revenue tax in said county of Christian to give to each tax payer of said railroad tax a separate receipt for the amount of his tax, setting out the valuation of such tax payer's property, and the amount of his railroad tax, which receipt shall be transferable by written assignment; and the owner of said receipt shall be entitled, to the extent thereof, to an equal proportion of the stock owned by said county in said railroad company; and when any one person shall present to said county court receipts to an amount equal to one share or more of stock, said court shall give him a new certificate, specifying the extent of his interest, and shall order stock to that amount to be transferred to him, and to stand in his name.

Approved March 24, 1851.

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CHAPTER 700.

AN ACT to amend the act incorporating the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18, 1848.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the twenty-first section of the act incorporating the Lebanon, New Market, and Springfield turnpike road company, approved February 18, 1848, as prescribes that no toll gate shall be erected within less than two-thirds of a mile from the town of Lebanon, be and the same is hereby repealed; and that it shall and may be lawful for said company, when five continuous miles of said road shall be finished, and received in pursuance to said original charter, from said town of Lebanon, to erect a toll gate on said road within half a mile of said town of Lebanon.

§ 2. That all acts done by the president, directors and company of the Lebanon and Perryville turnpike road company, in their organization on the 25th day of February, 1850, are hereby legalized and made as valid as if said company had organized after the twenty-sixth day of February, 1851, under the act incorporating said company.

Approved March 24, 1851.

CHAPTER 700.

AN ACT to amend the act incorporating the town of Mayslick.

Police judge
to be elected.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established, in the town of Mayslick, in the county of Mason, the office of police judge; and a police judge for said town shall be elected by the qualified voters of said town, for the term of two years; said judge continuing in office until a successor is qualified, and who shall take an oath before the clerk of the county court, or some justice of the peace for said county, faithfully and impartially, and to the best of his ability, to discharge the duties of his office.

His powers &
jurisdiction

§ 2. The said police judge shall have jurisdiction within said town and county, of civil causes, and to the same extent that justices of the peace now have in this commonwealth: *Provided*, that no process in any cause at common law or chancery, which may be issued from the office of, or by the authority of said judge, and executed on any defendant or defendants residing beyond the limits of Mayslick, shall authorize said cause to be tried by said police judge, unless said defendant or defendants consent thereto, in writing, over his or their own signature indorsed on said process; and shall have the same jurisdiction of crimes and misdemeanors committed in said county of Mason, that justices of the peace now have; and shall have full jurisdiction, within said town, of all offenses against

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the by-laws and ordinances of said town ; and shall have power to enter judgment, and issue executions for all fines and penalties for such offense. He shall have power to grant attachments and injunctions, and writs of *ne exeat*, to the same extent that the justices selected by the county court now have. It shall be the duty of said police judge to keep a record of his proceedings, copies of which shall be evidence, to the same extent and for the same purposes that copies of the record of justices of the peace now are. He shall have full power to issue subpoenas for witnesses, and other processes to compel the attendance of witnesses before him, and punish all contempts against his authority, by fines not exceeding five dollars in each case, and by imprisonment not exceeding ten hours. He shall have power to order the marshal or other officer to summons a jury, in cases cognizable before him, when a jury is required by law. He shall have power to take and certify depositions as justices of the peace now have, which shall be allowed to be read, taken before, and certified by justices of the peace. He shall be allowed the following fees, to-wit: for a peace warrant, fifty cents ; for a warrant in cases of riot, rout, or unlawful assembly, or breach of the peace, one dollar ; for a warrant for a violation of any law or ordinance of said town, where the trustees of the town of Mayslick are plaintiffs, twenty-five cents ; for swearing a jury, and presiding over a trial, fifty cents ; for subpoenas, twelve and a half cents each ; for original judgment in all civil cases, twenty-five cents ; all other fees shall be the same as those of justices of the peace for like acts ; and shall have power to collect in the same way. He shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, clerk, and other officers of said town, for all sums of money received or paid out by him, whenever required by any one to take cognizance thereof.

§ 3. Appeals from all judgments rendered by said police judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunal as appeals are now allowed from judgments of justices of the peace.

Appeals.

§ 4. The police judge shall be a resident of the town of Mayslick, and shall keep his office in said town, and hold his court always open for the trial of causes coming under his jurisdiction.

Qualifications of judge.

§ 5. That the trustees of said town shall have power to levy and collect an *ad valorem* tax upon the property of said town, not exceeding five cents on the one hundred dollars in any one year, and a poll tax on each white male over twenty-one years of age, not exceeding one dollar. They shall have power to tax auction sales, shows, and exhibitions for money or profit, such sum as they, by their by-laws, may declare ; they shall have power to

Powers of the trustees.

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suppress all tippling houses, and fine all those who may violate their by-laws, any sum not exceeding twenty dollars for each offense, except for disturbance of worship, riots, routs, unlawful assemblies, breaches of the peace, and tippling houses, where the penalty may be one hundred dollars; which may be recovered before the police judge, or any justice of the peace for Mason county; they shall have power to remove all disorderly itinerant free persons of color from within the limits of said town; they shall have the power to declare what are nuisances, and remove the same; they shall have power to provide for the security of said town from fire, by organizing a fire company, who shall be exempt from performing militia duty and from working on roads, defining their duties, and punishing, by fine, those who shall fail to perform the duties required of them; they shall have power to inflict a fine of one dollar for the failure of any member to attend a meeting of the board; they shall have power to fill all vacancies, and to pass all by-laws and ordinances for carrying into effect all the provisions of this charter.

Marshal may
be elected.

§ 6. That it shall be lawful for the qualified voters of Mayslick to elect a marshal of said town, whose term of office shall be for two years. Previous to his entering on the duties of his office, he shall give bond and approved security, in the sum of not less than one thousand dollars, to be approved of by the council of the town, and to take the necessary oath or oaths, to be administered by the police judge or some justice of the peace for said county. It shall be the duty of the marshal to execute all process under his jurisdiction, directed to him by the police judge or any justice of the peace. It shall be his duty to arrest all disorderly persons, and see that the by-laws and ordinances of the town are faithfully executed or carried out. The fees for his services shall be the same as those allowed to constables and sheriffs for similar duties, under the same restrictions and penalties.

§ 7. Should the office of police judge or marshal become vacant, by death or otherwise, the trustees shall cause an election to be held to fill the vacancy or vacancies, by giving five days' previous notice.

Approved March 24, 1851.

CHAPTER 703.

AN ACT authorizing the Chancellor of the Louisville Chancery Court to direct certain streets and alleys in Shippingport to be closed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any lot holders in any of the squares, in Shippingport, and its enlargements, now a part of the western portion of the city of Louis-

ville, included within the following boundaries, to-wit: Mill street on the north, Tobacco street on the south, Seventh street on the east, and Third street on the west, to file a petition, in the nature of a bill in chancery, in the Louisville chancery court, against the city of Louisville, and all the other lot owners of any one or more of the squares, to close any street or alley dividing the lots and squares, upon the allegation that such street or alley designed to be closed is prejudicial to the lot holders, and the closing thereof will not inconvenience the public; and upon the establishment of said allegation, by proof, the court shall make a decree closing such street or alley; and that equal moieties of such street or alley, so closed, shall attach to each adjoining lot on said street or alley; and either party aggrieved may prosecute a writ of error from any decree in any such cause to the court of appeals, as in other suits.

Approved March 24, 1851.

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CHAPTER 704.

AN ACT supplemental to an act to prevent the destruction of fish in Barebone Creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky That an act, entitled, an act to prevent the destruction of fish in Barebone creek, in Trimble county, passed at the present session, to which this is a supplement, be and the same is hereby so amended that the provisions of said act shall not apply to the citizens of Trimble county.

Approved March 24, 1851.

CHAPTER 705.

AN ACT to amend an act, entitled, an act to incorporate the town of Neetsville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the qualified voters of the town of Neetsville, in Adair county, shall, on the first Monday in May next, meet at the house of Dr. O. Portman, or some other house convenient thereto, and on the same day in each year thereafter, and elect three trustees for said town, who shall continue in office one year, and until their successors are qualified. The said first election shall be conducted by William Thomas, William P. Williams, and Robert B. Mays, or any two of them, who are authorized to elect a clerk for the occasion, and to act as judges therein; and shall notify the persons who may be elected of their election. The trustees elected shall, before they enter upon the discharge of their duties, take an oath faithfully and impartially to execute and perform their duty as

Trustees to be elected.

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trustees of said town, before some justice of the peace, a certificate of which shall be made and filed with the clerk of the board of trustees.

Penalties for
certain offenses.

§ 2. That any person or persons who shall be guilty of running horses, shooting guns, pistols, or other disorderly conduct in said town, shall be fined not less than one nor more than two dollars.

Powers of the
trustees.

§ 3. The trustees shall have power to sue for and recover a fine of not less than three nor more than ten dollars, for any breach of the by-laws that may be adopted by the board, notice being first given, by posting up copies at two or more public places in the town, for at least five days before they shall take effect.

§ 4. All fines shall be sued for and recovered in the name of the commonwealth of Kentucky, for the use and benefit of said town, by warrant before any justice of the peace of Adair county; and the trial of all warrants shall be had in said town; and all fines and forfeitures, so collected, shall be paid over to the treasurer of said town, and applied to the benefit of the town by the trustees.

§ 5. That the trustees shall have power to levy and collect a tax on the persons and property in said town, not exceeding one dollar on each tithe, and not exceeding fifty cents on the hundred dollars worth of property subject to taxation by the revenue laws of the state, to be collected in the same manner as, by law, the revenue and county levy taxes are collected; and in order to have such taxes assessed and collected, said trustees shall appoint, annually, an assessor and collector; and such collector shall be required to take an oath for the faithful discharge of his duties, and shall execute bond with security, in such penalty, and with such conditions as the board of trustees may direct and prescribe.

§ 6. That all elections for trustees of said town, after the election directed to be held in the first section of this act, shall be held on such day thereafter as the board may direct, by an order for that purpose, or may provide for such election by by-laws adopted for that purpose.

§ 7. That said trustees may levy and collect a tax, such as they may deem reasonable, on all shows or other exhibitions in said town, and may collect the same by distress or otherwise.

§ 8. That said trustees shall appoint some person, not of their body, treasurer of said town, who shall also be the marshal, collector, and assessor, and who shall give bond and security, in such penalty, and with such conditions as the board may prescribe; whose duty, as treasurer, shall be to keep a correct account of all moneys received by him, and shall make reports to the board of trustees of all moneys received and disbursed by him; but no money shall be paid out by him except by order of the board. They shall

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appoint all such other officers as may be deemed necessary, fix the compensation of each, and provide for the payment of the same. All bonds taken by said board shall be made payable to the commonwealth of Kentucky, and may be sued on for the use of any one who may sustain an injury by a breach of the same.

§ 9. That the trustees shall appoint one of their own body as chairman, who shall continue in office for one year, and until his successor is qualified. They shall appoint a town marshal, whose duties shall be the same, and whose qualifications shall be identical with those of the town marshal of Columbia, in an act approved February 27, 1844, and his sureties shall be proceeded against as directed in said act.

§ 10. That all free white male inhabitants of said town, of the age of twenty-one and upwards, shall be eligible as trustees, and shall vote for the trustees of said town.

Qualifications.

§ 11. The trustees shall, in their discretion, tax all hogs and other stock running at large and being raised in said town; and they shall cause all the by-laws and ordinances passed by them to be recorded in a journal of their proceedings, which shall be kept by the clerk of said board. That a majority of the trustees shall form a quorum to do business, to fill vacancies, &c., and they shall meet as often as a majority may deem necessary for the good government and regulation of said town.

Approved March 24, 1851.

CHAPTER 706.

AN ACT to repeal an act for the benefit of H. W. Martin, approved March 7, 1850, and for other purposes.

Whereas, by an act, approved March 7, 1850, Hudson W. Martin was permitted to change the location of a part of the state road leading from Glasgow to Lexington, and a change has been made in pursuance of said act; and it appears that a portion of the citizens in the neighborhood of said change are not satisfied. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Barren to appoint three disinterested persons to view the change in said road, as made by said Martin, and also to view the ground over which said road was located before it was changed by said Martin, under said act, who shall take into consideration the advantages and disadvantages to the public as well as to any private individual or individuals, which, in their opinion, would result from locating the road on the same ground on which it was located before it was changed by said Martin, and shall make a report to court, setting out the advantages and dis-

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advantages to the public and to any and all private individuals whose land said road may pass through, in case said road shall be located on the ground it occupied before it was changed by said Martin: *Provided*, that before entering upon the above named duties, the persons selected for that purpose shall make oath before some justice of the peace that they will discharge the duties devolved on them by this act honestly and faithfully. If, on the coming in of the report of the persons appointed, the court shall be of opinion that said road ought to be changed back to its former location, it shall be lawful for said court to make an order to that effect: *Provided*, that any person on whose land said road may be located by the proposed change, shall be entitled to a writ of *ad quod damnum* as under the laws now in force on the subject of opening and changing roads in this state, and the same proceedings shall be had thereon as the existing laws now require in such cases.

Approved March 24, 1851.

CHAPTER 707.

AN ACT to repeal an act for the benefit of the devisees of Alfred Payne, approved March 7, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, "an act for the benefit of the devisees of Alfred Payne, deceased, late surveyor of Allen county," approved March 7, 1850, be and the same is hereby repealed: *Provided*, that none of the rights and titles that may have accrued and been perfected and vested, under said act, shall in anywise be affected by this act.

Approved March 24, 1851.

CHAPTER 709.

AN ACT prohibiting the sale of liquor or goods to students in the Kentucky Military Institute.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful to sell any spirituous, vinous, or malt liquor to any pupil or student in the Kentucky military institute, in Franklin county; and any person so offending shall be liable to a fine of ten dollars for each offense, recoverable by warrant before any presiding judge or justice of the peace having jurisdiction of the offense.

§ 2. That the parent or guardian of any pupil or student in said military institute shall not be liable for the amount or value of any goods, wares, or merchandise sold and delivered to such infant pupil or student, unless the same were sold and delivered at the written request of such parent or guardian.

Approved March 24, 1851.

CHAPTER 711.

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AN ACT to legalize a survey on Wolf creek, on behalf of William McGuire.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a survey containing one hundred and thirty-nine acres of land, on the waters of Wolf creek, supposed to be in Floyd county, made in the name of William McGuire, dated the third of June, 1845, and patented the 7th of July 1847, is hereby legalized, and shall be as valid as though it had been made by the surveyor of the county in which said land lies.

Approved March 24, 1851.

CHAPTER 714.

AN ACT to incorporate the Iron Works Turnpike Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby formed, under the name and style of the Iron Works turnpike road company, for the purpose of constructing an artificial McAdamized road from the point where the Iron Works road now intersects the Georgetown and Frankfort turnpike road, at or near the second toll gate from Georgetown, on said turnpike; thence with the Iron Works road to its intersection with the Lexington and Covington turnpike road, at Donnersville; and that the capital stock of said company shall not exceed forty thousand dollars, to be divided into shares of fifty dollars each.

Company incorporated.

§ 2. That books for the subscription of stock in said company shall be opened on the first Monday in April next, or as soon thereafter as may be convenient, under the direction of Charles Buford, George W. Johnson, Leland W. Peak, Wm. H. Martin, Benjamin Tyler, and John Dougherty, who are hereby appointed commissioners for that purpose, and who are required to give at least ten days' public notice of the time and place of opening said books. And said commissioners shall take from each person subscribing stock in said company, in a book to be provided for that purpose, the following obligation, to-wit: "We, whose names are hereto subscribed, promise to pay to the president and directors of the Iron Works turnpike road company, the sum of fifty dollars for each and every share of stock in said company, set opposite our names, in such manner and proportions, and at such times as may be required by the president and directors of said company. Witness our hands this day of "

Books to be opened.

§ 3. That so soon as the sum of five thousand dollars shall have been subscribed, the said commissioners shall, at such time and place as they may designate, call a meeting of the stockholders, and hold an election for a president

When directors may be elected.

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and five directors, who shall hold their offices for one year, and until their successors are duly qualified; and said president and directors, and their successors, shall be a body politic and corporate, under the name and style aforesaid; and, by that name, shall have perpetual succession, with all the privileges and powers incident to a corporation; and shall be capable of holding their capital stock, of purchasing and holding, selling and conveying all such estate and property, real and personal, as shall be necessary in the prosecution of said work; to sue and be sued, plead and be impleaded, answer and be answered, in all courts of record; to have and use a common seal, and do all other acts which similar corporations may lawfully do.

May enact by-
laws, &c.

§ 4. That said president and directors may ordain such by-laws as may be necessary, and may appoint a treasurer, and may employ such artists, engineers, and other officers as may be necessary to carry on said work.

Width and
grade of road.

§ 5. That said road shall be leveled and graded not more than forty feet in width, and its greatest elevation shall not exceed three degrees; that part of said road covered with McAdamized stone shall not be less than fifteen feet wide and at least nine inches deep.

May erect a
toll gate.

§ 6. That so soon as said president and directors shall have completed four miles of said road, continuously, they shall call on three justices of the peace in Scott county, who are not interested in the stock of said company; and if they shall certify that the work has been made in conformity with the provisions of this charter, the certificate shall be recorded in the clerk's office of the Scott county court, and said president and directors may cause a toll gate to be erected at such point as they may think proper on said road; and when five additional miles shall have been completed, continuously, like proceedings shall be had in all respects, and an additional toll gate may be erected, at such other time as may be determined on, and said president and directors may collect tolls and duties herein granted to said company.

§ 7. That the provisions of the eighth, ninth, tenth, eleventh, twelfth, and thirteenth sections of an act, entitled, "an act to charter the Stampingground and Frankfort turnpike road company," approved February 14, 1850, be and the same are hereby re-enacted as part of this act, and shall apply to the company hereby incorporated, in all respects, as if copied into this act.

Approved March 24, 1851.

CHAPTER 716.

1851.

AN ACT to authorize the chairman of the board of trustees of Paris to try misdemeanors in the breach of town ordinances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the chairman of the board of trustees for the town of Paris shall have power to try all cases of misdemeanor for the violation of the town ordinances, including drunkenness, indecent conduct, loud noises in the night, selling whisky to slaves, and for riots and routs; and he may impose any and every fine now authorized by law to be imposed for such offenses; and he may issue a *capias pro fine* for the collection of the same, directed to the marshal of the town, who shall have all authority to enforce the collection of the same, as is by law given to other officers by the same writ in similar cases.

Approved March 24, 1851.

CHAPTER 717.

AN ACT for the benefit of Martin Houser, of Boyle county.

Whereas, it is represented to the general assembly that Martin Houser, of Boyle county, taught a common school in said county for six months prior to the first day of December last, in district No. 28, which district was organized according to law, in the year 1850, which, under the existing laws, entitles said district to draw from the common school fund its proportion from said fund for the two years 1849 and 1850; and whereas, said Martin Houser has drawn and received the amount due said district for one year only. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the common school commissioners of the said county of Boyle be and they are hereby authorized and directed to pay to said Martin Houser the sum of forty-eight dollars, out of any money now in their hands, and not otherwise appropriated.

Approved March 24, 1851.

CHAPTER 718.

AN ACT for the benefit of Sheriff of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Laurel county be allowed until the first of June to return his delinquent list for 1850.

Approved March 24, 1851.

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CHAPTER 719.

AN ACT authorizing an appointment of Benjamin S. Thomas as Deputy Sheriff of Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Benjamin S. Thomas to be appointed and act as deputy sheriff of Hancock county, notwithstanding he is under the age of twenty-one years; but, if so appointed, the principal sheriff of said county, and sureties, shall be responsible for the official conduct of said deputy, to the same extent that they would be if the acts of said deputy were the acts of said principal sheriff, and they shall be liable for his omissions in the same way.

Approved March 24, 1851.

CHAPTER 720.

AN ACT to repeal, in part, an act, entitled, an act extending the limits of the town of Shelbyville, approved March 3, 1851.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, passed and approved on the 3d day of March, 1851, entitled, an act extending the limits of the town of Shelbyville, as adds additional territory to said town west of the court house, is hereby repealed; and the western limits of said town shall be the same as heretofore established.

Approved March 24, 1851.

CHAPTER 721.

AN ACT to incorporate the Cynthiana Hotel Company.

Company formed.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be and is hereby established, in the town of Cynthiana, a company, with a capital stock of twenty thousand dollars, divided into shares of fifty dollars, to be subscribed and paid by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and stockholders, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Cynthiana hotel company, and shall be continued until the year 1901; and, by that name, shall be competent to contract and be contracted with, to have, possess, enjoy, and retain such lands, tenements, hereditaments, goods, and effects as may be necessary and convenient for the erection and furnishing a hotel in the town of Cynthiana; to rent and demise said hotel, furniture, &c., and all such rooms and store houses as they may construct in the erection of the said hotel, which may not be needed for the use of said

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hotel; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, in matters as natural persons; to have and use a common seal, and change, alter, or amend the same at pleasure; to ordain and put in execution all such by-laws, rules, and regulations as shall seem necessary for the government and carrying out the objects of this corporation: *Provided*, they be not contrary to the constitution and laws of this state or of the United States.

§ 2. That Caleb Walton, John H. Fraizer, Broadwell G. Remington, John S. Finley, and John A. Dils shall be the first directors of said corporation, and shall elect one of their own body president. The president and directors shall appoint a secretary, and keep a fair record of their proceedings. They shall also appoint a treasurer, and such other officers and agents as they may require, and may take bond, with security, from all officers and agents, and remove them at pleasure. And the president and directors shall manage and control the financial and fiscal corporation in all things.

Directors.

§ 3. The president and directors may proceed to procure subscriptions for stock in said corporation, at such time and places, and payable in such sums, and at such periods as they may deem best; and any one failing to pay his subscription as required of him or them, may be sued and compelled to pay.

May receive subscriptions.

§ 4. The president and directors shall have the right to declare when a stockholder has forfeited stock, and the payments made; but no such forfeiture shall be made by them, without the service of a notice on the delinquent stockholder at least twenty days before the record of such forfeiture shall be made in the books of the corporation; and such forfeiture shall not release said stockholder from the sum yet remaining unpaid.

§ 5. The stock shall be personal estate, for which the president and directors shall issue certificates to the owners, which shall be transferable in such manner as the corporation may prescribe by their by-laws.

Certificates of stock to be issued.

§ 6. The stockholders shall have a right to make such by-laws, rules, and regulations for the government of the corporation, and the election of the president and directors, as they may deem expedient; also, to fix the term of service, and number of directors, and the time and place of holding elections for president and directors, and who shall be eligible as such, and, also, the time and place of calling and holding general meetings of the stockholders.

May enact by-laws, &c.

§ 7. This corporation shall hold only such real estate as may be necessary to carry into effect the objects for which it is created, and such as, in good faith, may be passed to them in payment or security of a debt.

May hold real estate.

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§ 8. As soon as the sum of ten thousand dollars shall have been subscribed, the president and directors shall give notice to the stockholders, and call them to meet at such time and place, in the town of Cynthiana, as to said president and directors may seem proper; and at said meeting, the stockholders may take such steps as they may think proper and necessary to execute the purposes of the charter.

§ 9. The right is hereby reserved to the general assembly to repeal or modify this act.

Approved March 24, 1851.

CHAPTER 722.

AN ACT for the benefit of certain Common School Districts in the counties of Fayette, Floyd, and Cumberland.

Fayette.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught for a period of six months, in school district No. 12, in Fayette county, in the year 1850, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Fayette county, for the sum of money to which said school would have been entitled had the commissioners not failed to report; said sum to be paid over to the trustees of school district No. 12, in Fayette county, for the use and benefit of said school.

Floyd.

§ 2. That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught for a period of six months, in school district No. 11, in Floyd county, for the year 1850, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of Floyd county, for the sum of money to which said district would have been entitled had the commissioners not failed to report; such sum to be paid over to the trustees of school district No. 11, in Floyd county, for the use and benefit of said school.

Cumberland.

§ 3. That the superintendent of public instruction, upon satisfactory proof being made to him that a school was taught for the time of six months, in school district No. 13, in Cumberland county, in the year 1850, be and he is hereby directed to issue his warrant on the second auditor, in favor of the school commissioners of said county, for the sum of money to which said school district would have been entitled had the commissioners reported in time; said sum of money to be paid over to the trustees of said district No. 13, for the use and benefit of said school.

Approved March 24, 1851.

CHAPTER 724.

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AN ACT to amend an act, entitled, an act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight Creek, in Harlan county, and for other purposes, approved February 22, 1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Wilkerson Percifull and James Culton, of Harlan county, are hereby appointed commissioners, in the stead of Abraham Lock and John Hendrixon, former commissioners, appointed by an act of the legislature, approved February 22, 1834, to sell a land warrant, and appropriate the proceeds to the building of a bridge across Straight creek, near its mouth, in Harlan county; and before they enter on the discharge of their duties, they shall enter into bond, with security in the sum of three hundred dollars, each, in the Harlan county court; which bond may be put in suit for a breach of its conditions. And that said Percifull and Culton be authorized to settle with said former commissioners, and receive all money, bonds, or land warrants which they have in their possession for the building of said bridge; and for any neglect or defalcation on the part of the former commissioners, they may institute suit against them in the Harlan circuit court; and immediately after settlement with said commissioners, they shall report the same to the Harlan county court; and said court, at its court of claims, may appropriate said money, land warrants, or proceeds thereof, to the working of the road from Cumberland ford to Harlan court house, or the building of said bridge across Straight creek, a majority of all the justices concurring. The commissioners above named shall receive, out of the proceeds of said land warrants, seventy-five cents for every day they may be engaged in the discharge of their duty.

Approved March 24, 1851.

CHAPTER 727.

AN ACT to incorporate the Dallasburg Seminary, in Owen County.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Alexander, Archy McNeil, and Barnard Vandoren, and their successors in office, are created a body politic and corporate, by the name and style of "the trustees of the Dallasburg seminary, in Owen county," to have perpetual succession, and of being capable, in law, to act as a natural person, in all things pertaining to the objects and intent of the creation thereof; to have a common seal, and to acquire and hold property, both real and personal, for the objects of the creation hereof: *Provided*, the same shall not exceed in value ten thousand dollars. All deeds shall be made to "the trustees of the Dallasburg seminary," and their successors, and shall

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be held for the use and benefit of said institution, and for no other purpose.

§ 2. Said trustees, by the style aforesaid, shall take, by gift, devise, or purchase, any lands or other property for the objects of the creation of said corporation; and make by-laws for the government of said property, and for the control and government of said institution, and do all and every other act that corporations may or can do, not inconsistent with the object of its creation. The aforesaid trustees shall act until their successors are elected. There shall be an annual election for trustees, on the first Friday of January; and the trustees, so elected, shall be three in number, and shall hold their offices until their successors are elected. Said trustees shall be elected by the contributors for the erection and support of said institution. And in case of the death, resignation, or refusal to act of any of said trustees, the remainder shall fill such vacancy until the next annual election. Said board of trustees shall appoint a chairman from their number, and may employ a secretary, who shall keep a journal of their acts. They shall hold a session every six months, and as often as they may direct, or the chairman may require.

Approved March 24, 1851.

CHAPTER 726.

AN ACT for the benefit of the heirs of D. W. Holman, deceased.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James R. Wilson, executor of the last will and testament of David W. Holman, deceased, be and he is hereby authorized to re-purchase from John G. Ramsay a certain tract of land in Ballard county, formerly owned by said decedent, for the use and benefit of Elbit G. Holman, Margaret A. Holman, and David A. Holman, infant heirs of said David W. Holman, deceased, and that he take a deed from said Ramsay to said infants, by name.

§ 2. That in the event the three said infant heirs, as aforesaid, should die before they arrive at the age of twenty-one years, then their mother, the widow of said decedent, if living, shall succeed to and enjoy the said land during her natural life.

Approved March 24, 1851.

CHAPTER 727.

AN ACT to incorporate the Neptune Fire Engine and Hose Company, of Maysville.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richard C. Davis, Wm. W. Pike, Thomas N. Russ, David N. Biggers, John H. At, jr., Robert

C. White, and William D. Hixon, and their associates, are hereby created a body politic and corporate, by the name and style of the Neptune fire engine and hose company, No. 2, of Maysville, Kentucky, and, as such, shall have perpetual succession, and may be capable, in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any action or suit, in any court whatever; and may have and use a common seal, and change the same at pleasure.

§ 2. They shall have the right to purchase, take, and hold one or more engines, hose carriage and hose, and all the necessary apparatus and tools for the use and repair of the same; to sell and convey, and purchase other engines, &c. They may purchase and hold, in the city of Maysville, as much ground as will be required for a convenient engine house, and a place to transact their business, the value of the same not to exceed ten thousand dollars, which amount of property they shall be entitled to hold.

Powers of the corporation.

§ 3. The management of the said property and company shall be under the direction of a president, vice president, three engineers, and three directors, chosen at such time and place as the by-laws of the company may direct; and they may have a secretary and treasurer, and keep a record of their proceedings.

§ 4. The members of this company, not to exceed three hundred, active and honorary, shall be exempted from militia duty, except in time of war, and from service on all juries and venires. The secretary of said company, on or before the first of February in each year, shall furnish the sheriff and circuit court clerk with a list of members, active and honorary, of said company: *Provided*, that those members of the company who are honorary members, and not engaged in the active duties of the company, shall not be released from serving on juries, but shall only be exempt from military duty.

Approved March 24, 1851.

CHAPTER 730.

AN ACT to amend an act, entitled, an act to prevent the destruction of fish in Little Kentucky river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to prevent the destruction of fish in the little Kentucky river, approved February 27, 1849, be and the same is hereby so amended that said act shall not apply to the citizens of Trimble county.

Approved March 24, 1851.

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CHAPTER 732.

AN ACT to incorporate the Falmouth Library Association.

Company in-
corporated.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company, to be styled the Falmouth library association, is hereby constituted and incorporated. The capital stock of said company shall not be less than one hundred dollars, to be made up of shares of two dollars and fifty cents each; and every stockholder shall be entitled to one vote for every share he may own in said company.

Corporate pow-
ers.

§ 2. The stockholders shall, on the second Saturday in April next, and on the same day annually thereafter, meet at such place as the president and managers shall appoint, and elicit from their number a president and four managers, a secretary, librarian, and treasurer, who shall hold their offices one year, and until their successors shall be appointed and qualified. The said president and managers shall be a body politic and corporate; and, by the name and style of the president and managers of the Falmouth library association, shall sue and be sued, plead and be impleaded, in any and all of the courts of law and equity in this commonwealth; and may have and use a common seal, and alter the same at pleasure. It shall be deemed a sufficient service of notice or process, if executed on the president, librarian, secretary, or treasurer. The said president and managers shall have power to pass all necessary by-laws and ordinances for the government, well-being, and advancement of said library association, that will not conflict with any existing law of this state or the United States. They shall have authority to levy a contribution upon the stockholders, not exceeding twenty per cent. upon their stock in any year, for the purpose of increasing the stock of books or other necessary appendage of said library. They shall have power to receive a conveyance, by purchase or donation, of a lot of ground within or near the town of Falmouth, for the erection of library room or rooms, and contract for the building of the same; and may sell and convey the same, and purchase another, from time to time, as they may think proper; and receive, by donation or contribution, funds to defray the expenses of so purchasing and building, or renting a room or rooms for their use. They shall also have power to purchase or receive donations of books or other personal estate for said library. They shall have power to prescribe the mode of letting out books to the stockholders, and others, and the length of time and terms upon which they may be kept, and to impose penalties upon any stockholder for failing to return any book to the library according to the terms prescribed, or for the abuse thereof. They shall have power to prescribe the several duties by which the librarian, treasurer, and other officers shall be governed

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and directed. They shall have power to appoint a collecting officer to collect the contributions and penalties they may levy or inflict; and they may take from said collector, and any or all of the other officers, bond and security, in such penalty as they may fix, payable to themselves, conditioned for the true and faithful performance of their respective duties, and with such other reasonable and suitable conditions as they may prescribe; and for a breach of the conditions of said bonds, or any one of them, they may sue in any court of competent jurisdiction, recover judgment, and have execution therefor; and the clerk or court issuing execution on any judgment, attained as aforesaid, shall indorse thereon that no security of any kind shall be taken. The president may call a meeting of the managers at such time as he may think proper; a majority, or two of the managers and president, shall be necessary to transact business; and the president, with the concurrence of the managers, or any two of them, may call a meeting of the stockholders at such time, other than their annual meetings, as may be deemed expedient. The president and managers may appoint such subordinate officers as may be necessary, prescribe their several duties, and fix the compensation of any or all of the officers. They may receive additional subscription of shares; may prescribe the mode of transferring the same; and said shares may be sold, transferred, and passed by will, gift, or descent, as other personal property does by the laws of this state; but the same shall not be assets in the hands of an administrator, or subject to forced sale. The said president and managers shall have power to prescribe in what manner, and for what cause or causes membership, and the rights, privileges, and immunities of a member may be forfeited.

Approved March 24, 1851.

CHAPTER 734.

AN ACT to incorporate the Glasgow and Burksville Turnpike and Plank Road Company.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and is hereby incorporated, under the name and style of the Glasgow and Burksville turnpike and plank road company, for the purpose of constructing an artificial road from Glasgow to Burksville.

§ 2. That the capital stock of said company shall be seventy-five thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That books for the subscription of stock in said company, upon public notice being given, shall be opened at any time within two years, and continue open for such

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length of time as may be designated, at the following places, and such other places as the commissioners may think necessary, under the direction of Robert Murrell, James Jeffries, Thomas Jones, William Grinstead, William R. McFerran, and W. D. Jourdan, at Glasgow; Buford Wood, John W. Beauchamp, Clement Davis, John M. Shirley, George A. Clark, and Noah Barton, at Edmunton; Peter Depp, S. R. Pace, Thomas Hord, Joel Sartin, Whitfield Burton, and Barnet Huffman, at S. R. Pace's store; B. F. W. Alexander, Joseph S. Bledsoe, Win. F. Owsley, James H. Richey, Miller Alexander, and Joseph Baker, at Burksville; and A. J. Pace, F. T. Alexander, Elbert Nunn, Joseph H. Alexander, John Davis, and Jesse Beck, at A. J. Pace's store, in Cumberland; who are hereby appointed commissioners for that purpose, and two or more of whom are empowered to open books for subscription; and in the several subscription books to be opened as aforesaid, there shall be written the following obligation, to be signed by the subscribers: "We, the undersigned, severally bind ourselves to pay the several shares respectively set opposite our names—each share being twenty-five dollars—to the president, managers, and company of the Glasgow and Burksville turnpike and plank road company, in such sums, and at such times as said president and directors, when appointed, may direct. Given under our hands and seals this day of 18. "

§ 4. That so soon as one hundred shares are subscribed, it shall be the duty of said commissioners, or such of them as may act, to give notice, by advertisement for ten days, of the call by them, of a meeting of the stockholders, at some place named by them, for the purpose of choosing a president and six directors for said company; at which, and all subsequent elections, each stockholder shall have one vote for each share of stock held by him. That the president and managers of said company, when elected, shall hold their offices for one year, and until their successors shall be duly elected and qualified; and shall, before entering upon the duties of their offices, take an oath before some justice of the peace that they will faithfully discharge the duties of their respective offices, without favor or affection, according to the best of their judgment. That upon the qualification of the president and directors, they shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others are appointed. The treasurer of said company shall, before entering upon the duties of his office, give bond, with two good securities, in the penalty of five thousand dollars, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of the company, and that he will, when called on, pay the amount of money in his hands to the order of the president and di-

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rectors, and that he will perform the duties required of him by the by-laws of said company.

§ 5. That, whenever the company shall be thus organized, they shall be and are hereby declared a body politic and corporate, in deed and in law, by the name, style, and title of the president, directors, and company of the Glasgow and Burkeville turnpike and plank road company; and, by that name, shall have perpetual succession, with all the privileges and franchises incident to a corporation; and shall be capable of taking and holding said capital stock, and the increase and profits thereof, and enlarging the same, from time to time, by new subscriptions, in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfill the intent of this act; and of purchasing, taking, and holding to them, and their successors and assigns, and also of selling, transferring, and conveying in fee simple, all such lands, tenements, and hereditaments, and estate, real and personal, as may be necessary to them in the prosecution of their work; of suing and being sued, pleading and being impleaded, answering and being answered, in all courts of record, or any other place whatsoever; and also to use a common seal, and the same to alter at pleasure; and to make, also, such regulations and by-laws, not inconsistent with the laws and constitution of this state or of the United States, and to do every thing which a body corporate and politic may lawfully do.

§ 6. The president and directors shall have the direction and control of the affairs and prudential concerns of the company; and shall have power to make such by-laws as they may deem proper for the expeditious transaction of business; and shall provide the manner of transferring the stock of the company, and the time and place of holding the annual elections for president and directors, and the mode of filling vacancies in any of the offices that may occur; and may appoint their own secretary and treasurer, and employ such other officers, agents, or servants as they may deem necessary, and pay them for their services out of the corporate funds; and to dispense with the services of any, and employ others, as may be deemed necessary: *Provided*, that no one but a stockholder of the company shall be a president or director: *And, provided further*, that said board shall keep a full, fair, and complete record of all their proceedings, subject to the inspection and examination of any stockholder at any time, and a report of which shall be made annually to the stockholders by the president.

§ 7. That the president and directors shall deliver a certificate of stock, signed by the president, and countersigned by the treasurer, with the seal of the corporation affixed, to each shareholder for each share by him or her subscribed and held; which certificate shall be transferable on the

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books of the corporation, in person or by attorney ; but no share shall be transferred until all the calls and arrearages thereon are paid.

§ 8. That the president, and, in case of his absence or refusal, any three of the directors, may call a meeting of the board at such times and places as he or they may think proper ; and in case of the absence of the president, the directors may elect one *pro tempore*, and may adjourn from time to time, as they may think proper ; but a majority of all the directors shall be necessary for the transaction of business.

§ 8. That the president and directors, upon entering on the duties of their offices, may call upon the stockholders for the payment of any sum not exceeding ten dollars, and may, if deemed necessary, call for five dollars on each share every sixty days, until the whole amount is paid : *Provided*, public notice, for at least thirty days, of the amount of the call, and of the time of payment, be given ; and if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time of payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent. per month for every delay of such payment ; and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, and also the amount that shall have been paid thereon ; and the president, by order of the directors, shall sell the said shares at public auction, having advertised the same for ten days : *Provided*, the same shall bring the amount of the balance due on said share or shares ; *And, provided*, that no stockholder shall vote at any election, or be entitled to any of the rights of a member of the corporation, unless the whole amount due and payable as aforesaid shall have been paid according to the requisitions of the president and directors.

§ 9. That the commissioners hereinbefore named shall, at the times and places named for opening books, receive such subscription of stock, to the amount of one share or more, to be paid in labor or materials, at the usual cash price, as may be tendered ; and each and every person compelled to work, or who have to furnish hands to work on any road parallel to the one authorized by this act, and within two miles of the same, shall be exempt from working or furnishing hands to work on any other road, to the extent of one hand for each share of stock subscribed for and paid by him to the company ; and any such person who shall donate labor or materials to said company, to the amount of five dollars, shall be exempt from working on any other road, to the extent of one hand for each five dollars, and from tollage on the road authorized by this

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act, for five years from the time of its completion: *Provided*, that for a failure of any subscriber of stock, payable in work or materials, to furnish the same, for thirty days after the demand for the same, by advertisement of the president; such subscription shall be payable and due in money, and may be recovered by said company by action at law.

§ 10. The county courts of Barren and Cumberland, two-thirds of all the justices for each county concurring therein, may subscribe stock in said road to an amount not exceeding eight thousand dollars in each county, and not collectable in more than four equal annual instalments. They shall vote by proxy, and draw the dividends as other stockholders, and shall have power to direct where the money, by them subscribed, shall be expended on said road.

§ 11. As soon as they are elected, as provided hereinbefore, said president and directors shall immediately proceed to have the routes of said road surveyed by competent engineers; and upon the estimates of said engineer, shall proceed to locate and lay out the route of said road, subject to the ratification of the stockholders at a general meeting; and in locating said road the president and directors are authorized to buy or receive release of the right of way, of not exceeding one hundred nor less than thirty feet in width, of the right to use any earth, stone, gravel, timber, or other materials or privileges that may be necessary; or said company shall have the right to apply to the county court, in which said land is situated, for a writ of *ad quod damnum* to assess the damages which may be sustained by the party refusing the right of way; upon which may be had the same proceedings as are provided for in the act chartering the Bardstown and Green river turnpike road company: *Provided*, that after said route shall have been located and marked out, no action at law or equity for damages done, or recovery of the ground on which said road is located, unless the same be commenced within six months after the work on said road be commenced and maintained.

§ 12. That as soon as said road is located, the president and directors shall proceed, after advertising the same, to contract for the construction of the same, in whole or part, as their means will permit, by letting out the contracts to the lowest bidder: *Provided*, that it shall be the privilege of each individual stockholder, through whose land the road may pass, to work out the value of his stock, through his land, at the estimated price for the labor to be done, or the engineer's estimated cost of construction; or he shall have the preference of the contract at the lowest bid.

§ 13. That the road shall be graded and leveled at least fifteen feet in width; and whenever the road, in the opinion of the president and directors, will admit, it shall at no part

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of it be of a greater elevation than four degrees ; and they shall be bound to make thereon an artificial road, at least eight and not over fifteen feet in width, either of plank, in which case it shall be of the most durable and sound timber incident to the county, or on the turnpike plan of gravel or pounded stone, to be constructed on the most approved method, and to be made of either plank, gavel, or stone, in whole or part, according to relative cheapness of each ; and they shall forever hereafter maintain and keep the same in repair.

§ 14. That said company may cause to be erected a toll gate for every five miles that may be completed, and charge the same rate of toll, and upon the same conditions and restrictions, and with the same power, and upon the same terms to enforce the payment of the same, and with the same penalties for evading the payment of toll, belonging to and prescribed in the charter of the Bardstown and Green river turnpike company.

§ 15. That the legislature hereby reserves the right to alter, amend, or repeal this charter.

Approved March 24, 1851.

CHAPTER 735.

AN ACT appropriating money to the Frankfort Cemetery Company, Jas. Bell, and Robert Stevenson, for work and labor done and materials furnished in the improvements lately made around the State Military Monument.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following sums of money be and the same are hereby appropriated for the payment of work and labor done, and for materials furnished in the improvements lately made around the state military monument, on Cemetery Hill, near Frankfort, for which the second auditor of public accounts is hereby directed to draw his warrants upon the treasurer, in favor of the parties thereto respectively entitled, viz : to the Frankfort cemetery company, one hundred dollars ; to James Bell, eighty-seven dollars ; to Robert Stevenson, fourteen dollars.

§ 2. *Be it further enacted,* That there be and is hereby appropriated twenty-five dollars, for the payment of two cast iron seats, of the length of six feet, and of the depth and height of an ordinary chair, with arms and backs thereto, similar to those of a common settee, to be placed on the terrace in front of said military monument, for which the said second auditor shall, in like manner, draw his warrant upon the treasurer, in favor of said cemetery company : *Provided, however,* that before said last named warrant shall be drawn for the payment of said twenty-five dollars, a certificate, signed by the secretary of state, shall

be presented to said second auditor, showing that said seats have been furnished as provided in this act, and that they are of the description therein specified: *And, provided, also,* that the warrant first above named, in favor of said cemetery company, shall not be drawn until a similar certificate shall be filed with said second auditor, that an additional gravel walk, from the northern edge of said terrace to the extremity of the state mound below the monument of Maj. Barbour, of an equal quality with those now completed around said monument, has been made and finished by said company.

Approved March 24, 1851.

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CHAPTER 736.

AN ACT for the benefit of John Taylor Crook, of Mason County.

Whereas, it is represented to the general assembly, that John Taylor Crook, of Liverpool, England, is engaged with others in an extensive and useful manufacturing business, in Mason county, Kentucky; and whereas, it is necessary to the successful prosecution of said business that he should own, hold, and possess real estate in said county of Mason, which he, being an alien, cannot now do under our laws. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said John Taylor Crook to purchase and hold all such lands and real estate, in said county of Mason, state of Kentucky, as he may desire, and to receive conveyances of the legal or equitable title to the same, and to hold the legal or equitable title to the same, and to own and possess the same, and the same to pass by descent, devise, or sale, or otherwise, as if he, the said Crook, were a natural born citizen of Kentucky.

Approved December 9, 1850.

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